

S. HRG. 107-420

**THE SECRETARY OF ENERGY'S PRIORITIES AND
PLANS FOR DEPARTMENT OF ENERGY NA-
TIONAL SECURITY PROGRAMS**

HEARING
BEFORE THE
COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE
ONE HUNDRED SEVENTH CONGRESS
FIRST SESSION

FEBRUARY 8, 2001

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THE SECRETARY OF ENERGY'S PRIORITIES AND PLANS FOR DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

THURSDAY, FEBRUARY 8, 2001

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 9:36 a.m. in room SH-216, Hart Senate Office Building, Senator John Warner (chairman) presiding.

Committee members present: Senators Warner, Inhofe, Santorum, Allard, Hutchinson, Collins, Bunning, Levin, Reed, Akaka, Bill Nelson, Ben Nelson, and Dayton.

Committee staff members present: Romie L. Brownlee, staff director; Judith A. Ansley, deputy staff director; Anita H. Rouse, deputy chief clerk; Scott W. Stucky, general counsel; and Roslyne D. Turner, systems administrator.

Professional staff members present: Charles S. Abell, Mary Alice A. Hayward, George W. Lauffer, Paul M. Longsworth, and Eric H. Thoemmes.

Minority staff members present: David S. Lyles, minority staff director; Madelyn R. Creedon, minority counsel; and Richard W. Fieldhouse, professional staff member.

Staff assistants present: Kristi M. Freddo, Thomas C. Moore, Jennifer L. Naccari, and Michele A. Traficante.

Committee members' assistants present: George M. Bernier III, assistant to Senator Santorum; Robert Alan McCurry, assistant to Senator Roberts; Douglas Flanders, assistant to Senator Allard; Michael P. Ralsky, assistant to Senator Hutchinson; Kristine Fauser and Sam Patten, assistants to Senator Collins; Frederick M. Downey, assistant to Senator Lieberman; Andrew Vanlandingham, assistant to Senator Cleland; Elizabeth King, assistant to Senator Reed; Ross Kawakami, assistant to Senator Akaka; Peter A. Contostavlos, assistant to Senator Bill Nelson; Sheila Murphy, assistant to Senator Ben Nelson; Jason Van Wey and Ken Boley, assistants to Senator Dayton.

OPENING STATEMENT OF SENATOR JOHN WARNER, CHAIRMAN

Chairman WARNER. Good morning, ladies and gentlemen. Good morning, Mr. Secretary, and good morning to your lovely wife. We take note that she has come to give you not only moral support, but intellectual support.

Secretary ABRAHAM. That has been going on for a long time, sir.

Chairman WARNER. We look forward to your testimony on your plans and priorities for the Department of Energy's (DOE) national security programs. This committee has oversight and indeed jurisdiction over approximately two-thirds of your budget. Programs that are devoted to the very important security of our Nation and that of our allies.

I know you have been on the job for a very brief period. We talked yesterday, and much of your time has been consumed, understandably, with regard to the serious energy problems in California and adjoining States.

I cannot tell you how pleased I am that the President selected you. You were a very valued and highly respected colleague here for many years. The challenges that are facing you are indeed formidable. I would like to raise a number of issues with you here today, and my colleagues will join me. You may not be able to address all of them. As I said, you can put your responses in the record.

This committee created the National Nuclear Security Administration in 1999 to address a disturbing series of security and management failures that had been experienced by the Department of Energy over a considerable period of time. You were part of those debates and the formulation of those statutes. Last year we confirmed Gen. John A. Gordon, USAF (retired), a very able professional, and as you report there is every indication that you will have a harmonious professional working relationship.

I would like to hear your views on how this new entity is being established and what steps you have taken to build a constructive relationship with General Gordon. You are no doubt aware that there are some disagreements in the Congress with the previous administration over how this new organization was established. My hope is that we can put that debate behind us and move forward with the important missions of the NNSA.

I would also like to discuss your views on the very real problem that in this decade DOE may lose a significant percentage of its skilled scientists and others in their professional capacity who for many, many years as engineers and technicians have devoted their careers to making this Nation safe. People are at the core of DOE's stockpile stewardship programs. You will, I hope, give us your views on that.

I would like to hear your views also on how we can better manage DOE's Russian assistance program. My colleague, the distinguished ranking member, Mr. Levin, has spent a great deal of time on that subject and I know he shares my interest.

I would like to discuss how we can step up the pace of cleanup of DOE sites. The cleanup program is not, in my judgment, making sufficient progress and your views again are needed.

Finally, I would like to discuss the normal degradation over time that takes place with almost everything on planet earth. Here, I am particularly concerned about the nuclear weapons stockpile. We are the preeminent power in terms of not only our inventory, but our ability in years past to manufacture what we regard as weapons which are safe for handling and safe for operational installations, if that becomes necessary. Your views on that are essential,

and the period in which this Nation must bring greater attention and focus, frankly, to develop, if it is necessary in the judgment of the President, follow-on systems to replace those that are being outdated with the passage of time and technology at this point.

So I welcome you again, and I recognize our distinguished ranking member, Senator Levin.

STATEMENT OF SENATOR CARL LEVIN

Senator LEVIN. Mr. Chairman, thank you and let me join you in welcoming our former colleague and our friend to this committee.

You have been there a very short period of time, but you are a quick learner, so I know you have soaked in a lot, particularly about the California energy crisis. You now know probably more than you ever wanted to know, about California energy which has not given you a lot of time to review the other issues, some of the technical issues which you will face that are of particular concern to this committee.

But we welcome you. We spent some good time chatting about some of these issues and this morning gives both you and us an opportunity to at least get a general idea as to where you think the Department should go in a number of important areas.

As the Chairman mentioned, the activities, the defense-funded activities at the Department of Energy, account for over two-thirds of the DOE budget, cover a range of programs, from cleanup of DOE nuclear sites to maintaining the stockpile in the absence of nuclear weapons testing, to important programs securing nuclear weapons materials and technology in the states of the former Soviet Union.

One of the most significant challenges facing the Department is working with Russia and the states of the former Soviet Union to prevent nuclear weapons and materials from falling into the hands of terrorists or from being misused. The companion piece of this effort is working to help the Russian closed nuclear cities improve economically, thus preventing the so-called brain drain.

The Department has made some good progress under exceedingly difficult circumstances to bring some new economic development to those closed cities. I might add the DOE has made some progress in obtaining commitments from Russia to close some of their nuclear facilities, including two of their nuclear weapons assembly facilities.

Former Senator Howard Baker's task force report on DOE's Russia programs concluded recently: "The most urgent unmet national security threat to the United States today is the danger that weapons of mass destruction or weapons-usable material in Russia could be stolen and sold to terrorists or hostile nation states and used against American troops abroad or citizens at home."

That is a very important statement and an important finding and really quite an extraordinary conclusion, calling the potential for weapons of mass destruction to leave Russian soil the most urgent unmet national security threat to the United States today. Whether or not every member of this committee would agree with that assessment, it surely is one of the most urgent unmet security threats to our Nation. We would like to work closely with you on

making sure that the DOE's nonproliferation programs are doing everything that they can to meet that threat.

The chairman has made reference to a number of areas of concern to this committee, which I will not repeat. I will add just two others, one of which he also touched upon. Maintaining the nuclear deterrent safely, securely, and reliably in the absence of underground nuclear weapons testing is a significant responsibility of the DOE. The Secretaries of Defense and Energy just completed the annual certification process, concluding again that the stockpile remains reliable and that there is no need for an underground explosive nuclear test.

The stockpile stewardship program seems to be successful and it is important that we maintain the funding for this program as well as the bipartisan support that it needs to both build on its successes and continue to ensure the safety and reliability of the stockpile, and we look forward to working with you on the stockpile stewardship program.

The size of the future nuclear weapons stockpile is another issue which we are going to want to get your views on.

In conclusion, you have undertaken an extraordinary job, a challenging job to say the least, and if the last 2 years are any indication, I think we will be seeing a lot of you here at the committee. Congratulations on your appointment.

Secretary ABRAHAM. Thank you.

Chairman WARNER. Thank you, Mr. Levin.

Given that we are deeply honored to have one of our former colleagues before us this morning, we will take a minute or two to recognize other Senators who wish to give a personal welcome to this distinguished citizen who stepped up to bat once again.

Senator Inhofe.

STATEMENT OF SENATOR JAMES M. INHOFE

Senator INHOFE. Thank you, Mr. Chairman. I will be very brief, but, looking around the table here, I think I am the only one who was elected with Senator Abraham in 1994. I think in our class we all recognize that we have in our new Secretary a man truly of great intellect. When I was waiting for the decisions to be made by this administration, I have to say this: They really kept him under wraps.

I knew I would see your name somewhere, and it could just as well have been in Secretary of Interior, Secretary of the Treasury, because, Mr. Chairman, I believe that he could do almost any job up there. He has a very deep knowledge of what is going on here in Washington and that, combined with his integrity, makes him a real find for all of us.

I have a particular interest, of course, in the energy policy coming up and will look forward to working with someone in whom I have the utmost respect and admiration.

Chairman WARNER. I thank you, colleague.

Senator Reed.

STATEMENT OF SENATOR JACK REED

Senator REED. Thank you, Mr. Chairman. I too want to welcome Senator Abraham, and I look forward to working with him as a

member of the Strategic Subcommittee, which has a great deal of contact with the Department of Energy.

Spencer has dedicated his life to public service and this is another chapter in that life of dedication. I am looking forward to working with you, Senator.

Chairman WARNER. I thank you, colleague.

Senator Allard, do you have any welcoming remarks for our colleague?

STATEMENT OF SENATOR WAYNE ALLARD

Senator ALLARD. Mr. Chairman, I do have some remarks. I would like to submit them for the record.

Chairman WARNER. Thank you very much.

Senator ALLARD. I would just welcome my good friend, the Secretary of Energy Spencer Abraham, and would just relate to the committee that I look forward to working with him as we move forward during the session. Obviously, national security is very important to the subcommittee that I chair, the Strategic Subcommittee, and the ranking member on that I understand will be Senator Reed from Rhode Island.

So we do look forward to working with you. In fact, about two-thirds of DOE's budget falls under the authorization of our subcommittee. We have got some big issues there as far as security, and I think that you are the man for the job and I look forward to working with you on it.

[The prepared statement of Senator Allard follows:]

PREPARED STATEMENT BY SENATOR WAYNE ALLARD

Mr. Chairman, I want to thank you and Senator Levin for having this important hearing regarding the priorities of the Department of Energy national security programs.

I also thank Senator Landrieu for her past work as the Ranking Democrat on the Subcommittee, and welcome Senator Reed as the new ranking Democrat. Senator Reed and I are going to get to know each other very well this Congress because he is also the Ranking Democrat on the Banking Subcommittee I chair.

Secretary Abraham, welcome to the committee and I look forward to hearing your views on these important programs.

The Strategic Subcommittee, which I have the privilege to chair, is responsible for authorizing over two-thirds of the Department of Energy's budget. A large share of the programs we oversee are in the National Nuclear Security Administration (NNSA). These programs are vital to the our Nation and our allies.

These important missions include—ensuring that the nuclear stockpile is safe and reliable in the absence of underground testing; ensuring that Navy warships have safe and militarily effective nuclear propulsion plants to meet today's and tomorrow's ever increasing deployment demands; and ensuring that the surplus fissile materials do not fall into the wrong hands.

A matter of tremendous importance and a priority for me are our environmental management program. We all realize that it took us more than 50 years to create the environmental problems of the Department of Energy, and these problems will take a coherent policy of innovation, integration, and funding to overcome.

However, while progress is being made, we should be doing better. Closure is more than an end-state, but a state of commitment and purpose for the Department. This mentality of closing sites must come from the top. We all must push these sites to come up with plans for closure for the longer we wait the more dangerous it becomes.

Also, the funding levels for the environmental management science and technology programs continue to decline. Last year's budget request for technology development was the lowest in 8 years. This is especially critical when innovative cleanup techniques are becoming more reliant on these new technologies.

Another area of concern is the slow pace of re-establishing pit manufacturing and tritium production. Our aging weapons plants are in dire need of repair and there is no long-term plan for modernizing these essential production facilities.

With respect to the deteriorating infrastructure, our national labs and manufacturing plants are struggling to maintain critical skills and expertise. We need to do more to recruit the highest caliber people for these essential jobs. These scientists do the "cutting-edge" and most advanced research anywhere in the world.

Let me end with what must be the Department's number one priority—our national security. During the last few years, DOE seems to have had a major problem securing our nation's secrets. Mr. Secretary, I know you will be working closely with General Gordon in addressing any deficiencies and lapses in security. However, I can only speak for myself, but if these lapses continue, I will be as critical and tough as in the past.

Mr. Secretary, we all know that you have a tremendous job ahead of you and I look forward to working with you on all these issues.

Again Mr. Chairman, thank you for having this hearing.

Chairman WARNER. Senator Akaka, I certainly welcome you as a member of our committee.

STATEMENT OF SENATOR DANIEL K. AKAKA

Senator AKAKA. Thank you very much, Mr. Chairman.

Mr. Secretary, Spence Abraham and Jane, I welcome you here to the U.S. Senate this morning. I look forward to hearing from you and discussing with you the national security programs of the Department of Energy. I appreciate your pledge to work with us on the implementation of these programs.

As a member of the Senate Committee on Energy and Natural Resources as well as this committee, I am confident that we will work very closely together on the many challenges facing the Department of Energy. I look forward to working with you and congratulate you and wish you and your family well.

Thank you, Mr. Chairman.

Chairman WARNER. I thank the Senator.

Senator Hutchinson.

STATEMENT OF SENATOR TIM HUTCHINSON

Senator HUTCHINSON. Spence, let me join my colleagues in welcoming you back and in expressing our pleasure at your appointment as Secretary of Energy. I, like my colleague from Oklahoma, believe that you could have filled a lot of roles, a lot of positions, and done it very, very well in the new administration. But you, never being one to shy away from controversy, have gone from the frying pan into the fire by going to the Department of Energy. They have probably the hottest issues facing our country. While I know the Department of Energy does not produce any energy over there, it makes sure the lights stay on, and I know you will. We are so pleased that you are there and look forward to working with you in the coming years.

Chairman WARNER. Thank you. Senator Nelson, we welcome you to our committee.

STATEMENT OF SENATOR BILL NELSON

Senator BILL NELSON. Mr. Secretary, Senator—once a Senator, always a Senator—I am looking forward to getting to know you. What Senator Levin spoke about on the proliferation of nuclear materials, particularly in the former Soviet Union, is of particular concern to me and I look forward to working with you.

Chairman WARNER. I thank you.

We welcome our distinguished colleague from Maine, Senator Collins.

STATEMENT OF SENATOR SUSAN COLLINS

Senator COLLINS. Thank you, Mr. Chairman. Mr. Chairman, I do have an opening statement that I would ask unanimous consent be put in the record.

Chairman WARNER. Without objection, it will appear in the record.

Senator COLLINS. I do want to welcome one of my favorite former colleagues to the committee. I very much look forward to working with Secretary Abraham. I am delighted to see his wife Jane is here as well.

We are very fortunate that our new President has tapped the tremendous talents and expertise and intelligence of Spence Abraham. I am sure he is going to do a superb job as Secretary of Energy, and I look forward to working with him in that capacity.

Thank you, Mr. Chairman.

[The prepared statement of Senator Collins follows:]

PREPARED STATEMENT BY SENATOR SUSAN COLLINS

Mr. Chairman, it is always a pleasure to see a distinguished former colleague in such an esteemed position critical in maintaining our nation's national security.

Because the Department of Energy has jurisdiction over a wide range of critical activities such as safeguarding our nuclear weapons, combating proliferation, assisting the Navy with its work on nuclear propulsion systems, and environmental restoration and management, this committee has a keen interest in hearing about the Secretary's priorities and strategies when it comes to the DOE's performance as it relates to defense. Having recently served in the Senate, this Secretary is well aware of the concerns all of us on this panel share and will do his utmost to keep us informed of his activities that bear significantly on the jurisdiction of this committee.

The management and implementation of the relatively new National Nuclear Security Administration and its management, oversight and security has raised issues and concerns among many of the members, myself included. Having voted as a Senator for the National Defense Authorization Act that called for the NNSA's creation, I trust that this Secretary will be vigorous in ensuring that it serves the ends for which it was established.

The issue of nonproliferation has received a lot of attention with the recent release of the Baker-Cutler report on the DOE's programs with Russia aimed at countering the proliferation of nuclear materials. An earlier GAO report, published in March 2000, highlighted the limited progress achieved in improving nuclear material security in Russia and the Newly Independent States; however, some experts believe current U.S. nonproliferation programs are inadequate to meet the threat of proliferation of nuclear materials and expertise.

Also significant is DOE's growing role in environmental restoration and management. Strong leadership, vigilance and thoroughness are required in this area, and it is my strong hope that this Secretary will set new standards for excellence in the pursuit of DOE's environmental mission.

My expectation is that this hearing will serve as a means to share ideas and encourage action to ensure our priorities and plans for national security programs are fully commensurate with the challenges and threats we face today. I hope and trust the Secretary agrees that it is not enough to be content with the status quo and that great strides must be made under his leadership to simultaneously strengthen the DOE's ability to perform its vital national security functions, but also to take its mission to the next level.

I look forward to hearing Secretary Abraham's approach to these issues I have raised because I have no doubt that they will confront the Department of Energy and its stakeholders during this administration.

I would also like to congratulate the Secretary on his new position and say that I look forward to working with him in the years ahead. Thank you, Mr. Chairman.

Chairman WARNER. Thank you.
 Senator Ben Nelson, we welcome you to the committee.

STATEMENT OF SENATOR BEN NELSON

Senator BEN NELSON. Thank you, Mr. Chairman.

Welcome. You will find, as I do, that people will be calling you different things. Sometimes it will be Senator, sometimes it will be Mr. Secretary. So I welcome you, and I look forward to working with you.

I, too, am concerned about the Russian warheads that need to be maintained with the highest degree of security and want to urge that you make that one of the highest, if not the highest, priorities as it relates to your job with armed services issues, that we maintain the highest level of security and assurance to the American public and perhaps to the world as well that those armaments will not end up in the wrong hands. So I look forward to working with you on that, and good luck, of course.

Secretary ABRAHAM. Thank you.
 Chairman WARNER. Senator Bunning.

STATEMENT OF SENATOR JIM BUNNING

Senator BUNNING. Thank you, Mr. Chairman. I also would like to have permission to enter an opening statement into the record.

Chairman WARNER. Without objection. Thank you.

Senator BUNNING. I have known Spence an awfully long time. We served on the national committee together when he was the chairman of the Michigan Republican Party, so we go back a long time. I know he will do a great job.

Your plate is full. You have problems in New Mexico, you have problems in California, you have problems in securing our nuclear weapons and the secrets that walk out the door somehow undetected. You have problems maintaining our stockpile of uranium, enriched uranium. So you are going to need all the talents that God gave you in this current job, and I wish you godspeed.

[The prepared statement of Senator Bunning follows:]

PREPARED STATEMENT BY SENATOR JIM BUNNING

Mr. Chairman, I welcome Secretary Abraham to the committee and would like to congratulate him on his new position. I know Spence and Jane as friends and colleagues and believe that he will uphold this position with honor and dignity.

During the last session of Congress, I served on the Energy and Natural Resources Committee where we conducted a number of hearings investigating the theft of our most sacred national defense secrets.

Unfortunately, due to a lack of attention by a number of energy secretaries, and an unprofessional and pathetic investigation by the Department of Justice, it seems as though the People's Republic of China is now in possession of classified information on every one of our thermonuclear warheads.

Under the last administration, the Department of Energy nuclear labs became a revolving door, with billions of tax dollars going in for research and development, and the blueprints for the world's deadliest weapons are on the way out the door.

Mr. Secretary, you have a very difficult task ahead of you, but I believe with the creation of the National Nuclear Security Administration this job will be manageable.

While the Clinton administration tried to push their mistakes under the rug, I expect that you will keep us fully informed of any inappropriate behavior at our nuclear labs.

If a top-secret lap top computer is missing, we want to know about it. We are here to help, but we need to know that a problem exists in order to do so.

Finally, I would like to comment briefly on the state of our Nation's domestic uranium supply. Without the work being conducted at the Paducah, Kentucky, Uranium Enrichment Plant. We wouldn't have any nuclear bombs.

The men and women that work at this plant have for the last 50 years have been the silent victors of the Cold War, and while their work has gone unnoticed by most of the country, they remain a priority of mine. The Department of Energy must fully review the current supply of our uranium stockpiles, and thoroughly research the way we are implementing the "highly enriched uranium" deal we have with the Russians. The future of the Paducah Plant depends on it.

Mr. Chairman, I would like to again thank you for calling this hearing, and look forward to listening to our new Energy Secretary's comments. Also, I would like to submit some questions for the Secretary to respond to at a later time.

Thank you.

Chairman WARNER. Thank you very much, Senator. I am sure you will be throwing some fastballs across that plate before too long.

Senator BUNNING. Not to Spence. He will catch them.

Chairman WARNER. You are on your own, Mr. Secretary.

STATEMENT OF HON. SPENCER ABRAHAM, SECRETARY OF ENERGY

Secretary ABRAHAM. Mr. Chairman, thank you. I want to thank you and Senator Levin for being so courteous to offer us a chance to have an early hearing and for the time you both gave me in the last day or so to stop by and begin our discussions, which will obviously continue well into the future.

I also want to just thank all of the committee members, most of whom are former colleagues, a couple who I have known in other roles before they got to the Senate, but in whom I have the highest respect. I want to say to all of you, thank you. I do look forward to working with this committee to make sure that we have the kind of strong working relationship that I think is important to address all these various issues.

I will do my best on a day-to-day basis in the Department, but clearly when one comes from the Senate, from the Congress, to the administration, to the executive branch, one I think probably brings the kind of experience that will ensure that there is the kind of cooperation and dialogue that I think will help us to address some of these issues as effectively as we can.

Obviously, having been on the job less than 3 weeks, I am not totally prepared to answer any question that you might send my way. But if it does not have to do with the California energy crisis, I may have to take one or two for the record, even perhaps on that issue.

But as you all know and as has been said in the comments several of you have made today, more than two-thirds of the Department of Energy's budget is funded from defense accounts, and this committee's oversight and authorization responsibilities extend well into the Department on a variety of fronts. The Department supports our national security in many critical areas, including maintaining our enduring nuclear deterrent, mitigating the proliferation of nuclear weapons, fiscal materials, and weapons expertise, providing the Navy with effective nuclear propulsion systems, and of course cleaning up the legacy of more than 50 years of nuclear weapons production.

I just want to say at the outset that I really do intend to work with each of you to ensure that these programs are successful and that they continue to support the National security interests of the United States. Let me just begin by taking a moment to briefly discuss my views on each of these areas, starting with the programs of the National Nuclear Security Administration.

First, I would say that I fully supported the establishment of the NNSA when it was introduced in the Senate and continue to support it today. I voted for the Domenici-Kyl amendment which created the NNSA and General Gordon and I have already established a productive working partnership, which I am confident can help us to move that program forward as we intended it to be moved forward and as I think we expect it to perform.

Let me just talk about a couple of specific areas. First our weapons programs. As I stated during my confirmation hearing a couple of weeks ago in the Energy Committee, the most sobering and important responsibility vested in the Secretary of Energy in my judgment is the duty to certify to the President each year that the United States nuclear arsenal is safe, secure, and reliable. I can assure the members of this committee that nothing I do will be higher on my priority list than ensuring the safety and security of our nuclear deterrent.

The DOE weapons program is continuing to implement new methods of certifying the safety, the reliability, and the effectiveness of our nuclear warheads in the absence of underground nuclear testing. This requires expensive and technically complex new experimental facilities and capabilities. Not all of these facilities and capabilities are operational yet, but the Department is continuing to make progress in this area.

I believe we must establish these new facilities and capabilities as rapidly as possible. I believe that we would want to pursue most of these new capabilities even if we were in a testing environment. I hope to work with you and the other members of Congress in the coming months to ensure that these programs are adequately funded and supported.

In addition to establishing these new science-based certification tools, DOE is also in the process of evaluating our critical production capabilities, such as tritium gas production, uranium processing, and plutonium pit production. Again, these capabilities may require expensive new facilities and technologies in the future, and I hope to work with you to ensure that any need which we may have is successfully met.

The second area, of course, is nonproliferation programs. The Department also plays a critical role in threat reduction by addressing the challenge of nuclear weapons proliferation. Obviously, this Nation has an acute interest in accounting for and preventing the spread of nuclear weapons materials, technology, and expertise. The Department has had many past successes in this area and I believe that, working with you, we can continue these efforts.

I believe that the recent Baker-Cutler report which Senator Levin alluded to in his comments will serve as a useful tool to help frame the debate on these critical issues, and I look forward to working with you to address these challenges.

The naval reactors programs is an area of the Department that is running exceptionally well. In my opinion, the old adage that if it is not broke do not try to fix it applies here. I have great confidence that Admiral Bowman and his staff will continue the tradition of excellence that has marked this program since it was established by Admiral Rickover in the 1940s.

Another area of responsibility for the Department is environmental management. The Department has the unenviable responsibility of cleaning up and managing the waste generated during more than 50 years of nuclear weapons production. These problems obviously were not created overnight and certainly we are not going to dispense with them quickly or easily. But I think we can do a better job.

I plan to examine DOE's cleanup program to try to identify those areas where we can make better progress in cleaning up and closing excess facilities and sites. I plan to work closely with you, the other members of Congress, and also with the States and local communities that host these sites to try to find ways to accelerate the pace of cleanup. By working to reduce overhead costs, I think we can free up more funds for accelerating the cleanup process.

There are many other challenges facing the Department. Improving security will be a high priority of mine. I intend to work with General Gordon and the other DOE program offices to ensure that the Department's senior managers are fully engaged in improving security at all of our sites, not just the National laboratories.

Maintaining the Department's unique and critical skills will also be a top priority of mine. People are the Department of Energy's most valuable assets. Yet we know that many production facilities are just one engineer deep in essential manufacturing areas and many labs are at risk of losing their highly trained scientists and engineers to more attractive employment opportunities. In addition, the average workforce age at sites such as Pantex and Y-12 is well over 50 years of age.

These are very troubling trends that I believe have to be addressed. I recently spoke to former Senator Kempthorne, who was a member of this committee, about the Chiles Commission report which was initiated during his time on the committee, and I intend to take a close look at the commission's recommendations to ensure that we are taking steps to maintain DOE's most valuable commodity, its highly trained workforce.

Finally, we must find a way to recapitalize DOE's aging infrastructure. DOE has allowed its nuclear weapons production plants to degrade over time, leaving a tremendous backlog of deferred maintenance and modernization. The deterioration of existing facilities is a very serious threat to DOE's mission readiness. Some have projected the backlog to be as high as several billion dollars. I believe we must begin to address this problem and I would ask for the committee's support in this area.

In closing, let me just say again that I am extremely honored that President Bush has chosen me for this position. The missions of the Department are vital to our national interests. Again, I pledge to work with the members of this committee and others in Congress to carry out these missions to the very best of my abilities and in the best interests of the American people.

Mr. Chairman, thank you very much.

[The prepared statement of Secretary Spencer Abraham follows:]

PREPARED STATEMENT BY SECRETARY SPENCER ABRAHAM

Mr. Chairman, Senator Levin, and Members of the Committee, it is a privilege to appear before you today. I want to thank you for providing me with this opportunity to discuss the important national security programs on the Department of Energy.

Having been on the job less than 3 weeks now, I am certain that I will be able to answer all of your detailed questions with great ease.

As each of you are intimately aware, more than two-thirds of the Department of Energy's budget is funded from defense accounts. The Department supports our national security in many critical areas, including: (1) maintaining our enduring nuclear deterrent; (2) mitigating the proliferation of nuclear weapons, fissile materials, and weapons expertise; (3) providing the Navy with effective nuclear propulsion systems; and (4) cleaning up the legacy of more than 50 years of nuclear weapons production.

I wish to say at the outset that I intend to work with each of you to ensure that these programs are successful and that they continue to support the national security interests of the United States.

Let me begin by taking a moment to briefly discuss my views on each of these areas, starting with the programs of the National Nuclear Security Administration.

First, I will say that I fully supported the establishment of the NNSA when I was in the Senate and continue to support it today. I voted for the Domenici-Kyl amendment and for the Defense Authorization Act which created the NNSA. General Gordon and I have established a very productive working partnership and I am confident that this new entity will be successful.

WEAPONS PROGRAMS

As I stated during my confirmation hearing only 3 weeks ago, the most sobering and important responsibility vested in the Secretary of Energy is the duty to certify to the President each year that the U.S. nuclear arsenal is safe, secure and reliable.

I can assure the members of this Committee that nothing I do will be higher on my priority list than ensuring the safety and security of our nuclear deterrent.

The DOE weapons program is continuing to implement new methods of certifying the safety, reliability, and effectiveness of U.S. nuclear warheads in the absence of underground nuclear testing. This requires expensive and technically complex new experimental facilities and capabilities. Not all of these facilities and capabilities are operational yet, but the Department is continuing to make progress in this area. We must establish these new facilities and capabilities as rapidly as possible.

I believe that we would want to pursue most of these new capabilities even if we were in a testing environment. I hope to work with you and the other members of Congress in the coming months to ensure that these programs are adequately funded and supported.

In addition to establishing these new science-based certification tools, DOE is also in the process of evaluating our critical production capabilities—such as tritium gas production, uranium processing, and plutonium pit production. Again, these capabilities may require expensive, new facilities and technologies and in the future, I hope to work with you to ensure that any need which we may have are successfully met.

NONPROLIFERATION PROGRAMS

The Department also plays a critical role in threat reduction, by addressing the challenge of nuclear weapons proliferation. This nation has an acute interest in accounting for and preventing the spread of nuclear weapons materials, technology, and expertise. The Department has had many past successes in this arena and—working with you—I will continue those efforts.

I believe that the recent Baker-Cutler report will serve as a useful tool to help frame the debate on these critical issues, and I look forward to working with you to address these challenges.

NAVAL REACTORS PROGRAMS

This is an area of the Department that is running exceptionally well. In my opinion, the old adage—"if it isn't broken, don't try to fix it"—applies here. I have great confidence that Admiral Bowman and his staff will continue the tradition of excel-

lence that has marked this program since it was established by Admiral Hyman Rickover in the 1940s.

ENVIRONMENTAL MANAGEMENT

The Department also has the unenviable responsibility of cleaning up and managing the wastes generated during more than 50 years of nuclear weapons production. These problems were not created overnight and certainly we are not going to dispense with them quickly or easily. But, we can do a better job.

I plan to examine DOE's cleanup program and identify those areas where we can make better progress in cleaning up and closing excess facilities and sites. I plan to work closely with you, the other Members of Congress, and also with the States and local communities that host these sites, to find ways to accelerate the pace of cleanup. By working to reduce overhead costs, I feel we can free up more funds for accelerated cleanup.

OTHER CHALLENGES

There are many other challenges facing the Department.

Improving security will be a very high priority of mine. I intend to work with General Gordon and the other DOE program offices to ensure that the Department's senior managers are fully engaged in improving security at all of our sites, not just the National laboratories.

Maintaining the Department's unique and critical skills will also be a top priority of mine. People are DOE's most valuable asset. Yet, we know that many production facilities are one engineer deep in essential manufacturing areas and many labs are at risk of losing their highly trained scientists and engineers to more attractive employment opportunities. In addition, the average workforce age at sites such as Pantex and Y-12 is well over 50 years old.

These are very troubling trends that must be addressed. I have spoken to former Senator Kempthorne about the Chiles Commission report, and I intend to take a close look at the Commission's recommendations to ensure that we are taking steps to maintain DOE's most valuable commodity—its highly trained workforce.

Finally, we must find a way to recapitalize DOE's aging infrastructure. DOE has allowed its nuclear weapons production plants to degrade in recent years, leaving a tremendous backlog of deferred maintenance and modernization. The deterioration of existing facilities is a very serious threat to DOE's mission readiness. Some have projected the backlog to be as high as several billion dollars. We must begin to address this problem and I would ask for your support in this area.

CLOSING

In closing, let me say again that I am extremely honored that President Bush has chosen me for this position. The missions of the Department are vital to our national interests.

I pledge to work with the members of this Committee and others in Congress to carry out these missions to the best of my abilities and in the best interests of the American people.

Thank you.

Chairman WARNER. Thank you very much, my colleague, Mr. Secretary. I had the privilege of introducing your wife. Would you like to introduce others who are with you this morning?

Secretary ABRAHAM. Well, there is a good group of folks who have been helping me during the confirmation process here. I just would acknowledge all of them together here. We have Henry Gandy and Frances Norris, Ted Garrish, Michael Whatley, Joe Davis, and Jason Van Buren, who are here along with my wife Jane. I appreciate the help they and others have provided me in preparing both for this hearing and getting started at the Department.

Chairman WARNER. Now, Mr. Secretary, in the course of the Senate's advice and consent review of the Comprehensive Test Ban Treaty, this committee initiated a series of three very thorough hearings regarding the present and future status of our nuclear stockpile. This was one of the more memorable chapters of this

committee that I have been privileged to serve on in these 23 years. Those hearings went on for 3 consecutive days.

The distinguished directors of our laboratories, in whom we place the trust to make periodic evaluations of our inventory, gave their testimony and that testimony was, in true fashion, professional and not political. I feel that it was this absolute bedrock of fact that directed the Senate not to give its advice and consent on that treaty at that time, because in their professional opinion they could not give the assurance to the committee, and indeed the Senate as a whole and to the country of a timetable within which this Nation could complete the design and installation of a series of technical, very complicated devices, largely computers, which would provide a substitute for live testing, our Nation having decided not, under previous presidents, to continue live testing.

I am in no way suggesting by this question that our President has spoken one way or another on this issue. This is simply this Senator's concern that I am expressing in this question.

As a consequence of their inability to give us what I believe was some very specific parameters regarding the ability to substitute for live testing, the Senate decided not to accept the treaty. That was one of the main reasons. Can you give us an update with regard to the current evaluation of these very distinguished laboratory directors, all of whom will eventually come before this committee, but just a sort of synopsis—presumably you have consulted with them—a current synopsis of what they feel is the status of that program today? Is it adequately funded? Does it require redirection, either legislatively or by the President and yourself?

Secretary ABRAHAM. Mr. Chairman, I would first indicate I have only had a chance to have extensive discussions with one of the lab directors to this point. I am looking forward to visiting all of the facilities, of course, in my first months in this job and to have the opportunity to speak in greater detail with each of them.

I was a member of the Senate when the treaty was rejected and voted no on that occasion. Obviously, a lot of concerns were raised with respect to issues that had to do with verification as well as exactly where and how long it would be before we could be comfortable with certification in the absence of a testing environment.

But the President in his campaign and since has made it clear that he intends to continue the moratorium, and we are committed at the Department to trying to move forward on the various science-based stockpile stewardship programs that will give us as much information as we can acquire through them to be able to certify the safety, security, and reliability of the stockpile.

My views are these. Clearly, we know that the lab directors and others have said that it will take some time before we can be certain that science-based testing separate from actual testing will work. The time frame that they have indicated to me is a time frame that could be as short as 6 years and perhaps as long as 20 before we could reach any kind of certainty with regard to the ability of our science-based programs to give us the certification confidence—full confidence—that we require for the future.

But I think that the results of the most recent process, which was just completed in January, enjoys the full confidence of the lab directors and the certification that just took place by my prede-

cessor and the immediate past Secretary of Defense, another of our former colleagues, is one that I have high confidence in.

Chairman WARNER. Well, I thank you. At an appropriate time, I would appreciate it if you would notify me and the ranking member that you are prepared to supplement your testimony today after you have had a chance to meet personally and make an evaluation. I want this question to be periodically updated in the response by yourself and the Department.

Secretary ABRAHAM. I would be glad to do it and it is certainly something I would intend to revisit on a regular basis as well, because clearly we want to maintain as close a sort of scrutiny of the development of these technologies as we can. Obviously, some are going to take some time to be on the line, but the efforts continue and are a top priority.

Chairman WARNER. In that context, I would like also to have received from you your evaluation of where the United States is today and where in your judgment and that of the President it should be in the future regarding the investment of dollars in research and perhaps future development of a new series, if that is necessary, of weapons, nuclear weapons. My understanding is very little is being done on that under the previous administration and it is my hope and expectation that this administration will begin to review the stockpile and the normal period of time within which these weapons have to be replaced.

Can you comment on it now?

Secretary ABRAHAM. Well, I will certainly be happy to keep the committee informed as to evaluations that are made. The Secretary of Defense and I are called upon to begin that kind of process of evaluation. I think the last one might have been done in 1994, 1995, 1996, in that range. But I would just point out that these decisions would be ones that are primarily driven by the Defense Department in terms of strategic issues such as the size and composition of our stockpile.

Obviously, the technical issues and the capacity to develop or modify systems are ones that the Department of Energy plays a more specific leadership role in. I think this opens a question that we will want to continue to focus on. That is our capacities to both maintain the existing stockpile and consider any changes that might be on a strategic basis called for in the future.

This goes back to the issues that were raised by several folks in the opening statements and that I alluded to as well, and it goes to the questions of the skill retention, of the talents that we will need to both maintain the current stockpile and make any future changes that would be called upon.

As I mentioned, the average age of the workforce of the top people we have is approaching 50 years of age. Since I am approaching 50 years of age, that does not seem like it is all that old to me, but it is still something that we have to monitor and have to address. Obviously, we want to make sure that we continue to be able to attract the best and the brightest to our facilities.

We also have to make sure that those facilities are in good shape. As I mentioned in my comments, I have concerns about the infrastructure that has been allowed perhaps to decline in terms of its capacity to actually house the programs which need to be per-

formed in the various laboratories and assembly plants. We will be doing a very strong evaluation of each of those in conjunction with the NNSA in the months ahead.

Chairman WARNER. I thank you very much for that reassuring response.

We will have 6 minutes for questions in our first round. My 6 minutes are up, Senator Levin.

Senator LEVIN. Thank you, Mr. Chairman.

First, the Cooperative Threat Reduction (CTR) Programs will you support these programs?

Secretary ABRAHAM. Yes, I will, as I indicated to you. I think that as we look at our strategic challenges in the future, at least in part we recognize that one of the challenges we have when it comes to America's security is of dealing with the possibility that others who do not currently have a nuclear capability might get one of them and that such a nuclear capability might be acquired by people who have either an immediate or a possible interest in doing harm to America.

That forces us, I think, to focus on MPC&A (materials protection, control and accounting) and CTR and on the various programs that have developed to try to address nonproliferation.

Senator LEVIN. The task force, which was co-chaired by Howard Baker, reached the finding and conclusion that I read before about the nonproliferation programs achieving impressive results, but that their limited mandate and funding fall far short of what is required to adequately address the threat, the proliferation threat, which they indicate is the number one threat to our security.

Do you in general support the findings and conclusions of that report?

Secretary ABRAHAM. I take the threat very seriously. I have not had a chance to actually meet with Senator Baker or Lloyd Cutler, but the members who are part of the Secretary of Energy's advisory board that have joined in support of that are people whose opinions I respect greatly.

Certainly if you look at the range of programs that are part of the nonproliferation component of the Department—from the programs, the MPC&A programs to the programs that we have talked about with regard to initiatives for proliferation prevention, the nuclear cities program, the programs designed to try to acquire and to dispose of plutonium and highly enriched uranium—these are very costly programs.

So while I have not had a chance to evaluate the projected costs that were referred to by the Baker Commission's study in detail, I know that all of these programs, carried out to their fullest extent, will have a very substantial price tag. Obviously, that is part of what we will be evaluating in the Department.

Senator LEVIN. Will you, after you have had a chance to review that report, let this committee know what parts of it, if any, you do not agree with?

Secretary ABRAHAM. I will be glad to.

Senator LEVIN. On the stockpile stewardship program (SSP), without getting into the pros and cons of the Comprehensive Test Ban Treaty, there is no current requirement to resume testing. There is a moratorium, as you have indicated. I disagree with our

chairman as to the reason why that treaty was defeated at the time that it was. Actually, there were many more Senators who had urged that we not even vote on that treaty at that time until there was a greater opportunity for further hearings into the treaty than there were Senators who voted against the treaty itself. So there was a strong bipartisan feeling here that we should not have voted on the treaty when we voted on the treaty, because of a number of factors, including its importance. I think there were 62 of us who signed the letter to the Majority Leader urging that the treaty not be voted on at the time that it was, but that the vote be delayed.

My question is this, however. Going back to the chairman's comments about the lab directors, their testimony was that they could not give us assurance that testing would never be necessary. I think that was solid advice. That is the reason why the treaty itself had a supreme national interest clause in it and why the ratification resolution itself had a provision that if testing ever became necessary to assure the safety and reliability of our stockpile that, in fact, we would use that supreme national interest provision and withdraw from the treaty. That was actually there to address the point, the very important point that the directors of the labs made, that they could not assure forever that testing would never be necessary.

My only request to you in this area would be the following, that you would study that testimony, as well as discuss this whole issue with the lab directors. The Secretary of State, our current Secretary of State, supports the Comprehensive Test Ban Treaty. I would hope that before you reach your own conclusion on whatever new material you gather, current material on this subject, that you would include discussions with Secretary Powell on the Comprehensive Test Ban Treaty. That would be my only request to you, is that you include him in those discussions.

Are you able to give us that assurance?

Secretary ABRAHAM. I would be happy to. I also would give the committee the assurance that we at the Department, one of the priorities that General Gordon and I have already talked about is to move forward with the new science based stockpile stewardship programs because, as I indicated, the President has made it clear that he has no intention of departing from the moratorium on testing. So that gives us all the more, I think, incentive and need to continue to move forward with the science based programs which are being developed.

Senator LEVIN. Thank you.

My time is up. Thank you.

Chairman WARNER. Thank you.

My good friend the ranking member and I came to the Senate together 23 years ago and we have worked together as strong partners. But every now and then we have to clarify the issue a little bit. That letter of 62 signatures happened to be a Warner-Moy-nihan initiative. I remember that.

Senator LEVIN. Very welcome, too.

Chairman WARNER. You will also recall that it was a colleague on your side that required the leadership to push that treaty to the floor for perhaps premature consideration.

Senator LEVIN. I do agree.

Chairman WARNER. Just a minor point, my friend.

Senator LEVIN. No, it is a very important point. Premature it was.

Chairman WARNER. That is right.

Now we have Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman. We have 6-minute rounds and, with the number of members, I will not be able to be here for a second. So I am going to try to get this through real quick.

You are having two hearings because the first, of course, deals with energy policy, and I know you have already had that, this one with national security. But I suggest there are some places where they overlap. I can remember, Spence, back in 1987 when I was in the House, Don Hodel was Secretary of Interior, and we had this little dog and pony show where we would go around the consumption states and talk about how our not having an energy policy and becoming too dependent upon foreign sources for our ability to fight a war is not an energy issue, it is a national security issue. Nobody listened to us, but I thought it sounded real good. Since then we have had the Persian Gulf War and we have had the crisis, the energy crisis in this country.

I blame Republicans and Democrats alike. The Reagan administration did not have an energy policy. The Bush administration did not. Clinton did not. I think now we are on track to come up with something.

I would hope that you would explore all possibilities. If we look at nuclear energy—and I do have that within a committee that I chair—in Europe and the countries over there, in France, 75 percent of their energy is nuclear energy. We are down to 20 percent.

Even though there were a lot of people yelling and screaming back when we were starting up some of these plants, now it has changed a little bit because they recognize, with ambient air problems and other problems that come with some of the more conventional generation capabilities, that maybe nuclear is not so bad after all.

So I just hope when you are looking at this crisis that we are faced with, which is an energy crisis as well as a national security crisis, that you will look and the administration will look at coal, natural gas, nuclear, and all other possible forms of energy.

The second area that I would like to ask you maybe to respond on the record: Back in 1993, there were a lot of things that were done by the Clinton administration that appeared to people like me that it was almost intentionally opening the doors for security breaches, such things as removal of the color-coded security badges. This happened in 1993. The administration—and I respect them; that was their opinion, which I disagreed with—said this is discriminatory between people.

They stopped the FBI background checks that same year, in 1993. So that allowed a lot more people coming in and having access to our labs that did not have it before. They overturned a DOE decision, security decision, on an individual who had action taken against him for compromising material having to do with the W-88 warhead technology, the crown jewel of our nuclear security,

and they reversed that decision. To me, that was the wrong message to send at that time.

They declassified nuclear information in 1993. They rejected FBI-requested wiretaps. There were four wiretaps in conjunction with the W-88 technology.

Now, on the first one I mentioned, the color-coded security badges, they were reinstated afterwards, due to a lot of public pressure and a lot of pressure from this committee. I would like to have you respond, if you could, on some of the others. Or if you don't have that information, since you haven't been at this quite long enough to really have gotten into many of these things, if you would for the record see in these other areas, the policies that were changed in 1993 through 1996, if they have been changed and, if not, if your intention would be to change them.

Secretary ABRAHAM. I would be glad to look into those. Just to give the committee some assurance, I think that all of us in Congress have expressed ourselves, or at least those of us who have been in the last couple of years in the Senate or the House, in terms of the concerns we have about security at our labs and throughout the Department of Energy.

I came to this job in no small measure committed, as I was in the Senate, to making sure that one of the top priorities would be to, both on a programmatic as well as on a resource basis, invest what needed to be invested to address these problems, recognizing that our security at the labs is paramount, but that also it is very critical that we do it in a way that maintains a strong morale in the workforce.

I think that can be done. Now, General Gordon has had a few months to be focused on these issues. He and I have already met a couple times so that I can get up to speed on some of the recommendations he is making. As we do that, we will certainly be keeping this committee informed. But I will specifically get back to you on the issues that you have raised so that we can address those individually.

[The information referred to follows:]

During the early 1990s, the Department of Energy reduced or eliminated many of its security orders in response to the National Performance Review, Executive Order 12861. It is my understanding that the reduction effort pushed the pendulum too far away from proven and needed security practices.

Aware of the need for increased emphasis on good security practices, efforts have been underway to restore a more balanced approach to security policy. For example, since June 1999, the Department has issued 43 major policy directives in the areas of safeguards and security, cyber security, foreign visitor control, and others. Two policy efforts are especially noteworthy. The first has to do with declassifying information. The Department has in place a well-established process for declassifying information, which includes a comprehensive review process of documents prepared by the Department as well as other agencies. In addition, DOE implemented a new program in 1999, in response to Public Law 105-261, changing the manner in which other agencies declassify their documents. The Department surveys other-agency documents slated for public release for the presence of Restricted Data (RD). Documents found to contain RD are protected in accordance with the Government's security standards. The second effort concerns Foreign Visits and Assignments. In July 1999, the Department issued DOE P 142.1, "Unclassified Foreign Visits and Assignments." The new policy, which reinstated security indices checks, governs the foreign visits and assignment process and requires that security indices checks be conducted for all visitors and assignees from sensitive countries.

Currently, more than 30 additional directives are undergoing development, review, and revision demonstrating the Department's commitment to restore and im-

plement new policy guidance in those areas where it is most needed. I can assure you that these security efforts will continue.

Today, I am more strongly committed than ever in my emphasis on security. I am convinced that through these comprehensive and sweeping initiatives DOE is aggressively and dynamically changing the way it maintains the security of the valuable national assets entrusted to its care.

Senator INHOFE. That is good. I am running out of time, but I have one other question, or request, I guess you would say. You talked about morale. One of the morale problems is that people who have information—and I remember we had specific hearings on Notra Trulock, for example, that he had information in 1995 about compromises on the W-88 technology. He went to the CIA Director, to the Attorney General, to the administration, and was not able to bring that information into either the House or the Senate. In this guy's particular case, his career was destroyed.

But the bottom line is, for 3 years we did not know about something that someone internally knew about. I would hope that whistleblowers, or however you want to refer to them, would be protected and the best interest of our country would be recognized.

Secretary ABRAHAM. I would just say that General Gordon believes, and I share his view on this, that there is not a continuum, that morale and security are sort of inversely related. I think they are directly related. I think that security and strong morale are connected and that we want to make sure that each are strong. I do not think there is a tradeoff that has to be involved.

I just would make one other point on your first comment. That is that I think that economics and national security are both part of energy security. I think the point that you raise with respect to the need for a national energy plan is one which the President recognizes. He has asked our Vice President to head an interagency task force, which has been publicly reported, of course, because we recognize that this is not just an Energy Department issue, it is also an issue that affects a number of the other agencies and Departments of government.

We have now, and this task force is just beginning its work. The goal of it is to come forward, not with a modified or a partial energy plan, but one that is comprehensive. We will look forward to hearing from the members of the Senate and the House and others from outside the executive branch as we put this together.

But the goal is to come back with something which in a long-term sense ensures the energy security that leads to our national and economic security.

Senator INHOFE. I appreciate that answer very much, and I would hope that when that time comes that one of the cornerstones would be a maximum percentage of dependency upon foreign countries for our ability to fight a war.

Secretary ABRAHAM. Obviously, that is a consideration. So too is the need to have a balanced approach. I think that is why we need to have the focus of the number of the different Departments, so that when we consider sources we look at that from a balanced perspective.

Senator INHOFE. Thank you.

Chairman WARNER. Thank you, Senator.

Senator Akaka.

Senator AKAKA. Thank you very much, Mr. Chairman.

Mr. Secretary, I just want to ask questions about people and leadership and management retention concerns that are known. Management and program success we know depends on strong leaders who set standards and expectations. I believe that leadership needs to be long-term and consistent.

Analysis of the senior management positions in DOE specifically in the Office of Defense Programs indicates a pattern of instability. The proportion of offices vacant or with acting managers has increased from 17 percent in 1996 to almost 65 percent in year 2000. A GAO report entitled "Improved Management Needed to Implement Stockpile Stewardship Program Effectively," pointed this out.

The lack of management direction is found in both field sites and labs, as well as DOE headquarters. So my question to you is to ask whether this attention has been called to you and whether you have any plans to attract and keep qualified managers and leaders for programs and Department stability?

Secretary ABRAHAM. I am aware of the general problem, Senator Akaka. The specific percentages you have just indicated were not numbers I had immediate familiarity with, although I am confident that you are using data that is up to date and accurate. I think that it points out in yet another way some of the challenges which we face in running the entire slate of programs under the NNSA effectively.

Obviously, General Gordon's responsibilities as the administrator of this new organization are in no small measure management responsibilities. I think the Congress in putting that organization in place and giving it semi-autonomous status recognized that there were some serious lines of authority challenges, management challenges, that were not being fully addressed the way the structure previously existed, for a variety of reasons.

I do not believe these are ones that really can be blamed on any individuals or previous occupants of jobs. I think they in part are because of the nature of the way the Department was put together in large measure.

So that is a primary objective we have and we will keep you and the committee informed as we move ahead. It is a little different kind of focus than the skills retention challenge, but it leads to some of the challenges we have with skills retention and other issues that I have raised here today, because if you have a constant turnover in terms of the managers of programs that leads to, I think, a certain kind of morale program or might lead to problems with regard to retaining or attracting the talent that we need on the line jobs.

So we will look forward to—we are going to address it, try to address it at least, and I know that General Gordon has it at the top of his list of priorities.

Senator AKAKA. I just wanted to call attention to that because of the statistics that I presented.

GAO recently added human capital management to the government's high risk area list due to personnel shortages, partly because of retirements. The Energy Department is cited as having human capital challenges because "headquarters and field staff have lacked contract management skills to oversee large projects, such as the cleanup of radioactive and hazardous waste sites."

This is just one area. I believe there is an even greater problem in attracting research scientists and engineers to work in the three DOE labs. In the wake of the sometimes-hasty responses to very real security problems, morale is low and lab officials are finding it difficult to attract new talent.

My question to you is where is the balance between national security and employee rights, and how do we ensure a productive DOE workforce and highly secure labs?

Secretary ABRAHAM. Well, as I said in my comment to Senator Inhofe, General Gordon believes, and I share his views on this, that there is not an inverse relationship. I do not think we have to sacrifice morale in order to get a strong confidence level in the security at our facilities or vice versa. I do not think that we have to sacrifice security in order to build morale.

I do think we need to emphasize security and I think we need to do a better job of implementing effective security techniques in ways that do not create morale problems. I think that can be done, and I also think morale goes up when people feel that the work they are doing is in fact protected effectively. I think we have got to make sure we address it that way.

But there is a challenge with respect to skills retention that I think goes beyond just simply the questions of recent incidents or the reaction to them. That is the challenge which we have in recruiting the most able and talented people for roles in our labs, in our weapons programs, and so on, that I think is fairly predictable.

We are in a high tech age in which opportunities in the private sector are very lucrative to the most talented scientists, mathematicians, and others in our society. That requires people coming into the government service to make some concessions, if you would, on a financial basis. When they have the opportunity to find out that people they might have gone to graduate school with are out in a high tech job with tremendous financial rewards, it is a challenge.

It is also a challenge because, in an era where we are no longer building new weapons systems, maybe the appeal from the standpoint that people are working on national security for their country is a little lower than it might have been at an earlier point during the Cold War. That is why we have obviously involved and increased the component of civilian science and research in our facilities to try to give people the kind of diverse opportunities that will cause us to still be able to retain and recruit the best people.

But it is something that is high on my priority list because I recognize the important connection between having folks with great skills and our ability to do the job this Department is called on.

Senator AKAKA. I thank you for your response.

My time is up, but let me just make this statement. It is reported to me that Asian Americans are especially wary of working in the labs and many are now retiring or leaving. I will not ask you the question here, but we can talk about it later, how we can ensure recruitment and retention of the Asian American community.

Secretary ABRAHAM. I would be glad to, and I just would say to you, Senator, that in the Energy Committee hearing we addressed the issue of profiling and concerns about that. I will get to you my answer that I made at that time, because I am very sensitive on

profiling issues on a very personal level. Some of the issues I have worked on here in the Senate when I was a member were related to that, and I look forward to continuing that discussion.

Senator AKAKA. Thank you so much.

Chairman WARNER. Thank you very much, Senator.

Senator Bunning.

Senator BUNNING. Thank you, Mr. Chairman.

I would also like to reiterate that the vote on the Comprehensive Test Ban Treaty was insisted on by the administration, rather than those 62 people that signed the letter that did not want it, in response to Senator Levin's statement.

Weapons cleanup, it is a mess and it is an expensive mess, the plants. I want to ask you a direct question, Spence: Are you ready to dedicate the number of dollars needed from the Department of Energy to clean up the 50-year mess we have had, not only in my state but other states?

Secretary ABRAHAM. Well, it is my understanding—and I do not have all the numbers yet.

Senator BUNNING. They are astronomical.

Secretary ABRAHAM. I know that some of the estimates I have seen would project over 70 years, because that is the time frame that the Department currently I think sees as being the necessary period of time to address all of the current and projected environmental contamination that has to be addressed, that we are looking at somewhere between \$200 and \$300 billion during that time frame.

I do not think, after 10 days on the job, I am ready to put a specific figure on this or to try to quantify it in terms of our budget process. We are in the middle of that right now. But obviously, this is one of the priority budget items of this Department and it is going to be part of the budget which we will be submitting here.

Senator BUNNING. It just gets worse if you do not address it. It adds years to the cleanup and the degradation and environmental damage in the areas where we have used plants and had plants just continues to multiply if we do not address it. There is no current hold. In other words, you cannot hold it and emplace it. You have got to either get at it or it is going to get worse.

I bring that up to the point of Jim Inhofe brought up the fact about nuclear energy and the contracts that we had with nuclear production facilities. We have got to have a permanent storage facility or the contracts that the Federal Government made with the facilities are going to run out of space.

I say that because it is going to be an alternative we are going to have to look at very seriously, nuclear energy. The permanent storage place at Yucca Mountain, how dedicated will the Department of Energy be to making sure that that gets sited properly?

Secretary ABRAHAM. Well, the process is pretty clear. The steps that have to be taken are well known, and I am fully prepared to make sure that we maintain a timetable that brings us through that process. Now, the President has on numerous occasions made it clear that these decisions will be science-based and we will follow a science-based process. Site determination and characterization challenges or inquiries are going on today.

Obviously, there have been a number of factors that have caused this to be delayed, most recently an IG, Inspector General's, study that related to concerns raised about a possible conflict between the folks working on site determination and the role that they might play in other aspects of that process.

But my hope and my commitment is to move the process forward as fast as is appropriate, given the constraints which are in place that are legitimate constraints of making sure that we make a science-based determination. But there are other parts of this. The Nuclear Regulatory Commission, even if a site recommendation is made, still has a role to play with regard to licensing. If the site at Yucca Mountain is selected, the State of Nevada has the opportunity to veto that choice, in which case Congress then would have an opportunity to override that veto.

So, those steps all have to take place before a final determination of that site or any site would have to take place. The question is will the Department drag its feet in moving that process forward or not.

Senator BUNNING. You are telling me they will not.

Secretary ABRAHAM. I do not intend to, because I think that is what our responsibility is.

Senator BUNNING. Last but not least, security in our national labs and the need for the development—since we gave all of them away, all of our secrets, or they were espionaged away, there will be need for development of new type of nuclear weapons. I want, with General Gordon and you cooperating, I want you to make sure that this committee is brought up to date on, if we are developing—and it can be done in a private session—if we are developing new sophisticated nuclear weaponry, that you can assure us that it is not going out the door, that if the FBI and all other agencies that are charged with security, you can assure us that it is not going out the door.

We need that assurance. My God, we spend billions and billions of dollars to develop that and, just because we have one person who downloads off of the sophisticated equipment into non-sophisticated equipment and then walks out the door with the disk—we have got to do better than that, Spence.

Secretary ABRAHAM. Well, Senator, I agree. As I said when I took this job, one of the priorities that in my mind from day one I brought to it was the commitment to make sure that when we invest as we do, not just the financial commitment of the American taxpayers, but the security of all of our citizens, that we do it in a way that we have certainty in the process.

Part of this is something that the NNSA under General Gordon has been working on since he arrived in his job. We are soon to provide a cybersecurity proposal to the Congress. I met this week with Director Freeh to begin an exchange with him to make certain that our agency and the FBI can work constructively together to address security issues.

It is as high a concern for me as any other that I have in this job.

Senator BUNNING. Thank you. My time has expired.

Chairman WARNER. Thank you very much, Senator.

Senator Reed.

Senator REED. Thank you very much, Mr. Chairman.

Welcome, Mr. Secretary. Again, we all look forward to working with you. Let me return to the issue of the stockpile stewardship program. As you indicated in your opening remarks, for the fourth annual certification process both the Secretary of Energy and the Secretary of Defense have concluded that there is no requirement to test at this time. But resolution of the issue is ongoing, and as the chairman pointed out, that was a factor at least in the consideration of the Comprehensive Test Ban Treaty.

Just let me raise the issue, what is preventing us from getting to the point where our stockpile program can be relied upon without testing? Is it a theoretical problem? Is it a budgetary problem? This 6- to 20-year gap, what is causing the delay?

Secretary ABRAHAM. Again, some of this covers topics that I am in the process of becoming better informed about. My understanding is that a lot of factors are involved. Obviously, on a regular basis we take apart our warheads to determine their content, any degradation that might have happened. That process is part of this. That is one step in the process.

Another step in the process is developing new scientific equipment that can try to emulate in a laboratory setting the sorts of activities that go on when a nuclear explosion takes place. That led us in the direction of the development of the National Ignition Facility, NIF. That is not developed yet. It is in the developmental stages and the costs of that have been questioned because the projections are apparently too low. Whether that is because of bad projections or because of other factors, I have not yet been able to determine.

But we do not know, once that facility is fully functional, assuming that happens, whether or not we can create sufficiently similar conditions to be able to determine certain kinds of scientific conclusions with respect to the performance of weapons systems.

Some of these will take time to complete. I think where the lab directors were—and again, we have not met as a group yet. I have met with two of them in detail. But my sense is that they do not feel they can come to Congress or to the Secretary of Energy and say with certainty that they can certify with complete confidence in a future point—not today. I think they feel very comfortable about the recommendations that were made in January. But when they are asked, can you also make that same high-level of confidence recommendation or certification in 20 years, I think what they are saying is they are not able to tell us with certainty they will be able to do that until some of these steps have been taken.

Senator REED. Well, that just raises the question of how aggressively we are going to pursue the National Ignition Facility and other means to reach the point at which they can say with confidence that they can rely upon laboratory and computer models, rather than actual testing.

Secretary ABRAHAM. Well, all of these are commitments that have to be funded and supported.

Senator REED. I presume you are going to be supporting them because—

Secretary ABRAHAM. We support them. You all have to help fund them. But you know, it is also critical, I think, that as we move

ahead in this we recognize that our goal is obviously to do this in a way that gives everybody the confidence level that they want. I will do my best to ascertain what steps are imperative to that and make sure that this committee and that you and other members are well apprised of what we believe are the components to give the confidence level, not just for today but in the future, at 100 percent. That is what, obviously, the NNSA, one of its top priorities obviously is.

Senator REED. Let me ask another question, Mr. Secretary. That is, you play a critical role in the nuclear posture review along with the Department of Defense. Going forward, I assume that you will keep a very close eye on this process and that you will look closely at the relationship between the proposed DOD delivery platforms and the warheads which are your primary consideration, and essentially just urge you to do that.

Secretary ABRAHAM. Will do. Obviously, there are two issues here. There is the strategic kinds of decisions that have to be made in terms of the long reach, the long view I mean, but also the feasibility issues. As I mentioned, one of the concerns that we have to address in terms of feasibility with respect to any modifications to existing weapons or to development of new ones is whether or not we have the infrastructure and whether or not we have the talent available to fulfill whatever kinds of strategic decisions are made as part of the posture review.

So that is one of the other roles. That is an ongoing responsibility that we will not take lightly.

Senator REED. Thank you.

I understand that General Gordon is working on some reorganization plans for NNSA. Again, I would ask if you intend to be supportive of these reorganization efforts as he tries to take a legislative vision and transform it into something that works practically?

Secretary ABRAHAM. General Gordon and I have had a very positive and strong start in the last couple of weeks. We talk or meet almost every day that we are in town, and that has been most days so far. We have already begun talking about his structural ideas as to how to make that agency work more effectively from a managerial point of view as well as from a logistics point of view, to try to address what I know will be increasing concerns around the Congress, as well as the executive branch, the OMB, and everybody about whether or not we are in fact performing our functions in a cost-efficient and timely way.

What I would say is also this. I supported that legislation and so I did not come into this job viewing NNSA in some way as an adversarial or competitive agency. I view my responsibility ultimately as being the person who has to certify decisions made and hold accountability for the overall actions of NNSA. But it clearly is both Congress' intent and I think in the best interests of our Nation for that agency to have a lot of latitude to do its job well. My goal is to let General Gordon do his job, so that the goals we have set for NNSA are met.

Senator REED. Thank you, Mr. Secretary. Again, I look forward to working with you.

Secretary ABRAHAM. Me, too.

Senator REED. Good luck.

Chairman WARNER. Thank you, Senator.

We will now have Senator Collins, to be followed by Senator Ben Nelson. Senator Collins.

Senator COLLINS. Thank you, Mr. Chairman.

Mr. Secretary, I want to follow up on the issue raised by Senator Inhofe about the critical link between having a national energy policy and our national security. Last year Senator Schumer and I introduced a bipartisan bill in response to the previous administration's failure to develop a national energy policy, that called for the establishment of a presidential commission to develop a national energy policy.

We are going to shortly reintroduce that legislation. It calls for a broad-based commission. It would have representatives of oil producers, environmental, and consumer groups. It would bring people outside of government together, so it is different from the inter-agency task force that I understand has been established by the new administration.

First of all, not to put you on the spot, but we hope that you would be receptive to that idea. But most of all, we would like to meet very shortly with you, perhaps in the next week or two, to discuss the rationale for this. I hope that you would be willing to sit down and talk with us.

Secretary ABRAHAM. I would be happy to. I would just say that in the development of a plan, the process which has been started within the executive branch clearly will result at some point in a series of recommendations to the President as to policy initiatives. At least it is my personal view—I do not want to speak for either the Vice President or the other members of that task force—that I intend to try to, whether it is through a formal commission process or in a less formal way, to make sure that the thoughts and the input of people who are not part of the executive branch are considered, not just the Congress either, also the governors, also other stakeholders and organizations that have an interest in the development of these policies.

I met last Thursday and Friday with the western governors and I will be meeting with the National Governors Association when they come to town in a few days, to try to make sure they understand, at least, that my door—and I did at least at the governors conference indicate, at his request, that the Vice President's door would be open.

So I look forward to meeting with you and with Senator Schumer. I would be glad to do that, but also want to make sure everybody understands we are not trying to have an insular program that only considers the views of the people what are on the task force. At least I intend to reach out the try to elicit the input of others as well.

Senator COLLINS. Thank you. I think that would be helpful. We do need broad-based input to developing a national energy policy to ensure that it is well developed, but also to build support for it.

The second issue I want to raise deals with a report that was issued in December by the General Accounting Office, which pointed out that improved management was needed to implement the stockpile stewardship program effectively. GAO made a number of

recommendations and identified a number of problems and weaknesses in the current system, such as organizational leadership deficiencies, the need for an effective management process for overseeing the life extension process for our nuclear weapons.

Have you had the opportunity to review this report? Not in full detail, but I am aware of it.

Senator COLLINS. I would encourage you to do so. I know that you are fully aware of how critical your responsibilities in that area are. GAO does make a number of common sense suggestions for improving the management of the stockpile stewardship program.

Secretary ABRAHAM. I would say that trying to make the functions of what is now the NNSA perform more effectively is a priority that I have. It is a priority that General Gordon has. He has obviously been there a little bit longer than me and so his operation is now ramping up. At the top of his goal list I know is to have an efficient operation of the stockpile stewardship program, but also of the other programs in the areas of nonproliferation and with respect to his other duties in the areas such as security.

So it is definitely one of the things that we want to work with Congress on and keep you apprised of to earn the respect that I think that the operation must maintain, and we will work hard to earn that respect.

Senator COLLINS. Thank you. Let me again tell you how delighted I am to have you leading the Department, and I do look forward to working with you.

Thank you, Mr. Chairman.

Chairman WARNER. Thank you, Senator, and how delighted we are to have you a member of our committee.

The same applies to you, Senator Ben Nelson.

Senator BEN NELSON. Thank you, Mr. Chairman.

I must admit that I enjoyed the colloquy between our senior members on this committee about what happened and did not happen with respect to the vote. As I new member, not having any of that history, I am not tempted, you will be pleased to know, to clarify it, rewrite it, or restate it.

I would like to suggest that, even though Senator Bunning did not throw any fastballs or curves, that you handled his hardball very well. I appreciate your answer in response to dealing with those very important challenges that you have ahead.

Senator Inhofe referred to the relationship between energy and national security. I think in your position as Secretary of Energy you see it also as it relates to the environment and to the economic benefit to the country to work on and develop a national energy policy. Without regard to who has not in the past, I think it is important to say that it is important to the future to have a national energy policy and that now is the time.

I want you to be aware that I will do everything that I can to assist you and your staff, your agency, and other departments to develop that kind of an energy policy that recognizes that there is a correlation and a total relationship between energy, national security, the environment, and the economic future of our country.

The question I would like to get to is with respect to facilities, storage. We are talking about storage. People like to talk about it

as disposal, but it is storage. You do not get rid of energy waste. It is in fact stored. It is not disposed.

With respect the cleanup, does the technology that we have today—is it sufficient the deal with either of these issues, storage or cleanup? Is there any technology research and development under way that would help us be assured that, as we learn more, that we will be in a position to respond to more information and more science-based information on both storage and cleanup?

Secretary ABRAHAM. Well, one of the largest components of the budget of the Department is the environmental management budget. That along with our security, national security programs, collectively consume about 70 percent of the agency's budget, and they are both over 30 percent, 34 percent I think for environmental management or thereabouts. This has been in the range therefore cumulatively of some \$6.2 billion, I think, in the fiscal year 2001 budget.

A percentage of that, a substantial percentage of that, obviously goes to actual cleanup and the other programs, community programs, and transition programs and so on that are related to it. But also a significant amount of that budget, not as large as the cleanup itself, is for our research and technology development as it pertains to environmental management, as you have just outlined it. This is important.

It is sort of an interesting follow-on, if you would, to the question that Senator Bunning asks. One of the issues that we have to, I think, wrestle with is the question of do we wish to extend for 70 years these cleanup programs. Some of them, just because of the nature of the sites, will require very long-term commitments. But we have to also question, as we move down that timetable, will we benefit from new research and new development, new technologies, that might expedite some of the cleanup, which to date takes long and costs more.

I have not been at the Department long enough to tell you today, Senator, what the prospects are for such new technologies, but I think that that is an important investment that we make, because certainly if we can find ways to either do our jobs faster or less expensively that would be, of course, the kind of breakthrough that we would all like to see. But it is an ongoing part of our programs in our environmental management division.

Senator BEN NELSON. Very good. One follow-up, as a sort of related issue. Because of the storage issue for high-level waste, there has been a great deal of money expended to find a suitable storage facility. On the low-level, which is defined as that which is not high-level—literally, I believe it is defined that way—there have been efforts on behalf of States and compacts, multi-state compacts, to try to deal with the storage and very often referred to as disposal of the low-level waste.

Have you thought about the possibility of combining the facilities for high-level and low-level storage at the same location, maybe under different levels of security, different levels of technology, but similar locations? I wonder if you have had any thoughts about that.

Secretary ABRAHAM. I have to say that it may well be that within the Department some consideration of that has taken place. It is

not something with which I am personally familiar at this time, but I would be glad to take that for the record and get back to you if I could.

[The information referred to follows:]

Low-level radioactive waste (LLW) is defined as radioactive waste that is not high-level waste, transuranic waste, spent nuclear fuel, by-product material as defined in section 11e(2) of the Atomic Energy Act, or naturally occurring radioactive material. It includes commercially generated materials from industry, hospitals, educational and research institutions, as well as materials from commercial and government nuclear facilities that generate low-level waste as part of their normal operations. The Low Level Radioactive Waste Policy Act (42 USC 2021b et seq.) assigns responsibility for disposal of most commercially generated LLW to the States, encouraging the formation of inter-state compacts to provide for the disposal of these wastes. The implementing Nuclear Regulatory Commission (NRC) regulation for LLW is 10 CFR Part 61. LLW generated by DOE facilities is regulated by the Department in accordance with the Atomic Energy Act.

High-level radioactive waste (HLW) is the highly radioactive waste material resulting from reprocessing of spent nuclear fuel. The Nuclear Waste Policy Act (42 USC 10101 et seq.) assigns responsibility for disposal of HLW to the Department of Energy. The Environmental Protection Agency sets radiation protection standards and the NRC establishes implementing regulations for HLW disposal.

Because of the separate and distinct requirements and responsibilities of the states and the Federal government for LLW and HLW, the Department has not considered the possibility of combining facilities for disposal of LLW and HLW at a single location, and has no current plans to do so. In addition, LLW is generally disposed of in near-surface facilities, whereas HLW is planned for disposal in a monitored geological repository.

Senator BEN NELSON. I would appreciate it if you would look at that, because the States have struggled with the challenge of trying to deal with it. I know Michigan and Ohio have had their share of differences of opinion about how to go about doing it, as have other States. So I would be very much appreciative of your looking at that.

Secretary ABRAHAM. I would be glad to do that or to get back to you if there is any ongoing consideration as to either a combination or other programs that might be in the works.

Senator BEN NELSON. Thank you.

Chairman WARNER. Senator Dayton.

STATEMENT OF SENATOR MARK DAYTON

Senator DAYTON. Thank you, Mr. Chairman.

Chairman WARNER. We welcome you.

Senator DAYTON. Mr. Secretary, I congratulate you.

Secretary ABRAHAM. Thank you.

Senator DAYTON. Having served 4 years in the eighties as the Commissioner of Energy and Economic Development for Minnesota, and after 4 years of dealing with the energy problems facing one state with prices up and down and supplies and the like, anyone who is willing to take on all 50 states, has both my congratulations and my condolences.

Secretary ABRAHAM. I have received a shockingly high percentage of sympathy from both sides of the aisle over the last few weeks from people who have commented on this job. But I look forward to working with you to try to tap into your expertise.

Senator DAYTON. Well, thank you. My expertise would have been probably better for you before you decided whether or not to take the job.

Secretary ABRAHAM. It sounds like it.

Senator DAYTON. I would like to just follow up on what Senator Nelson discussed and Senator Bunning's excellent comments as well in terms of the nuclear waste. In your testimony you say that we can do a better job. We can make better progress in cleaning up and closing these facilities and sites. Recognizing that you are only 10 days on the job, do you have any further thoughts on that or could you get back to us with that?

Secretary ABRAHAM. I will elaborate a little bit and try to give you a sense of what is in my mind. I think that one of the concerns that I have heard from a number of people, particularly governors actually who have sites in their States, has been a concern about the overhead as opposed to the actual cleanup costs themselves.

I recognize and I think everybody who's connected to this, whether it is this committee or the appropriating committees, that there is a tradeoff of sorts that has to be taken into account. Some of these sites are in places which have depended as communities on the activities that went on when there were active programs. Maybe there still is a partial program going on. Some of the dollars we have spent have been in the areas that have dealt with community transition and so on.

But as a consequence, a certain amount of money has been dedicated to maintenance, if you would, rather than of actual cleanup. I will define maintenance and community support and so on as maybe one category. My goal is not to try to overstate the potential reductions in overhead that we might be able to achieve, but I do feel that there has been enough concern raised to me by folks in those communities or by the States and their leadership and by members of this body and the House that I believe that maybe there is some potential to shift some costs or some expenses, rather, or expenditures I should say, from the overhead and maintenance side of the equation to the cleanup.

Senator DAYTON. That would certainly be an excellent step in a better direction, because that is obviously what needs to be done.

Is there a plan, a timetable for the cleanup aspect? I mean, how will we know when you know if we are making the progress that we can and should in 5 years from now or 10 years from now?

Secretary ABRAHAM. Obviously some of the issues, some of the cleanup projects, have become subjects of local regulatory bodies and state regulatory bodies or even Federal regulations that have put certain kinds of compliance deadlines or achievement levels in place. Obviously, we have not met every one of those and probably cannot meet every one of those, unless we had an unlimited budget to do so.

But you know, first of all, I think it is important to express, on behalf of the Department and to congratulate those who preceded me, that a number of the smaller sites have been fully addressed and cleaned up in recent years. By everybody's acknowledgment, the targets were those that had fairly easy challenges—not easy, but challenges that were more attainable or more readily addressed than the more significant sites.

But we have made some progress. I think the number might be as high as 91 sites that are close to being finished as of this time out of about 113 that once existed. The issue, though, is how do you go after some of these other sites where much more extensive work

was done, because some of those other sites were not even—were facilities where they might have been where something was produced that went to a facility.

Some deadlines have been set. I know that the year 2006 marks the deadline for the completion of some of these sites. But as I also indicated to Senator Bunning, the Department's experts have indicated to me something which I had previously heard about when I was a member here, which is that the total completion of remediation may be as long as 70 years in total, with 2070 being a point when the only thing that would be left at these sites is the kind of monitoring to make sure that things retain the status that we would have achieved.

The price tag is anywhere from \$200 to \$300 billion over that period, most of it at a certain number of obviously very, very substantial sites. Can we expedite that? I am not sure. I am not sure if it is feasible in light of ongoing activities in light of technology development and projected technology development. But I do think that we are going to see some finality and closure brought to at least several of the sites in the next 6 years.

Senator DAYTON. My time is almost up. Just two requests, really. One is it seems to me a very important responsibility that you have and that we share is to assure the general public that none of these sites pose an immediate threat to human health and safety. So I would ask you to review especially the sites that remain and see if there is anywhere where we should have that concern and handle that in an appropriate way.

Second, I go back to what Senator Bunning said and you just referred to, Mr. Secretary, about the cost of this cleanup and the fact that if we postpone it we are adding to the costs ultimately to the taxpayers and we are also leaving I think a horrendous legacy to our children and grandchildren. I would hate to say to my grandchildren that we had a time of budget surplus and we chose to avoid these responsibilities and they both environmentally and financially have to pick up the tab down the road.

So would you review that, please, sir, and if you believe that the funds are sufficient attest to us that they are, and if you believe that they are not let us know that they are not.

Secretary ABRAHAM. Well, I will do my best as part of the budget process to address these on a basis of urgency and priority. But I would also say that we should not lose sight of the fact that it took 50 years to get to this point and we cannot, I do not believe, even as I understand it, even with significant budget increases, do everything to close overnight. It will take some time.

I do not think the Department's plan, which is at this point largely that which has been developed over the last few years, is one that is intended to extend unfairly or unnecessarily the time. But we do have sites where there is obviously ongoing activity continues even though there is cleanup activity going on, and that makes it a little bit different kind of challenge than places where all development and technology work is completed. We will be looking at those and measuring what ought to be the best use of our dollars and we will work with the committee.

Senator DAYTON. Thank you.
Thank you, Mr. Chairman.

Chairman WARNER. I thank the Senator. That was an excellent line of questioning and puts into our record today a very important inclusion of fact.

My colleague, I mentioned the concern I have about the ability of this country to maintain a nuclear weapons stockpile as the President deems necessary with his principal advisers to deter and defend. Any development of a new warhead—we have made a modification to one—but any development of a new warhead is dependent on the ability to test it. At the moment, we are going to continue the moratorium on testing and rely on the stockpile stewardship program, and we are nowhere near there.

So basically, any thought of trying to come forward with a new system at this point in time has to be timed in relationship to when we can test it. But in the interim period, there is a very interesting report out, the Younger paper. Are you familiar with that? It is the paper issued by Los Alamos and I will just acquaint you with it briefly, the approach being that perhaps we can as we move towards a new generation do it in such a way that we can develop something that would enable us to bring down considerably the current size of inventory, which has a direct impact on your burden to revitalize the infrastructure which supports the current inventory.

So this is a fairly interesting paper. Also, it touches on the possibility of working in the conventional area to replace the deterrence that we now rely on through the strategic systems.

Secretary ABRAHAM. Senator, is that what is referred to as the mini-nuke concept? I think I have heard it referred to that way.

Chairman WARNER. Well, like a lot of other things, like me, I have got many names around here.

Secretary ABRAHAM. I would just say, I am familiar with Mr. Younger's role at Los Alamos as well as the existence of the report. I have not had a chance to study it to date.

Chairman WARNER. I would appreciate that. What I was going to simply ask is, if you would review it and provide this committee with your written comments on that report and such sections of it that you endorse and perhaps will work towards implementation. I think it is a valuable contribution.

[The information referred to follows:]

Secretary Abraham did not provide this information in the 11 months between this hearing and the time it was sent to press. Upon receipt, this information will be retained in committee files.

Now, last month Secretary Rumsfeld in his hearing before this committee in the advice and consent role stated: "We need to be aware of the fact that Russia in particular claims to lack the financial resources to eliminate weapons of mass destruction, but continues to invest scarce resources in the development of newer, more sophisticated ICBM's and other weapons. We would not want the U.S. investment in the DOD CTR program"—one that I have supported since its very inception, by the way; to continue the quote: "We would not want the U.S. investment in the DOD CTR program to become the means by which Russia frees up resources to finance its military modernization programs. A review of ongoing CTR projects and their respective national security benefits would be appropriate."

I would hope that you would work with him in conjunction to perform that review.

Secretary ABRAHAM. We will, Senator. Again, I think he makes a good point, one that we ought to focus on. Obviously, the U.S.-Russian relationship will be formulated on a lot of levels, not just in the context of the Energy Department or our policies, and we will look to the Department of State, the Department of Defense also as we would move forward.

Chairman WARNER. I thank you very much.

Senator Thurmond was unable to be here today. He sends his personal regards to you as a great admirer, and he has a statement which we will include in today's record.

[The prepared statement of Senator Thurmond follows:]

PREPARED STATEMENT BY SENATOR STROM THURMOND

Thank you, Mr. Chairman, Secretary Abraham, I want to join Chairman Warner and Senator Levin in congratulating you on your confirmation as Secretary of Energy. We all have great expectations of you and I know you will live up to every one of them. If your first few weeks in office are any indication of the future, you will have an exciting tenure as Secretary of Energy. I wish you the best of luck.

Mr. Secretary, I would like to note that you are the first Cabinet Member of President Bush's Administration to appear before this committee. The significance of your appearance should not be lost on the hard working and dedicated employees of the Department of Energy. This committee has a vital interest in the Department of Energy. Not only because the committee has oversight of more than 60 percent of the DOE budget, but also because of the Department's vital role in our national security.

Mr. Secretary, since it is our national policy to no longer test nuclear weapons, the Stockpile Stewardship Program is the key to assuring the reliability and safety of these weapons. Although I do not expect an answer today, I hope that after you have had the opportunity to review the program you will give us your assurance that the Stockpile Stewardship Program is in fact living up to its expectations and that it is appropriately funded.

My second concern is a reliable source for tritium. Because of the sensitivity of the commercial reactor option for tritium production, we must provide continuing support to complete the design for the accelerator program as a back-up option. I intend to closely follow your actions in this area and will do all in my power to prevent any further undue delay in getting a tritium production facility on line.

Finally, Mr. Secretary, we must continue to provide adequate funding to maintain our nuclear infrastructure like the Savannah River Site. The longer we neglect the repair and maintenance of our aging nuclear facilities the more costly it will be to maintain. As I told your predecessor, not adequately funding our infrastructure is the same as unilateral nuclear disarmament. We cannot allow that to happen and I assure you it will not happen.

Thank you Mr. Chairman. I look forward to working with Secretary Abraham and to the committee's support of a robust budget for the Department of Energy's Defense programs.

Chairman WARNER. Senator Levin.

Senator LEVIN. Thank you, Mr. Chairman.

There is an Office of Oversight in the Department of Energy which now reports directly to you. What it oversees is the safety and security of the DOE's nuclear complex. My question is this: Are you going to maintain that current office? Is it going to continue to report directly to you or will it report to General Gordon?

Secretary ABRAHAM. Well, Mr. Podonsky, who runs that office, and I have not even had a chance to sit down and meet yet. But he has a number of issues which he wants to brief me on. So I have not had a chance to even get that briefing, let alone to focus on structural changes that might or might not be considered.

It is, I know, a great concern to General Gordon that he have as much flexibility with respect to oversight within that portion of the Department that he has responsibility for, and we have not had a chance to discuss in detail how to do that most effectively. But as I said, I have not had a chance to meet yet with Glen Podonsky to begin the process of just getting a briefing from him on the ongoing projects he is engaged in to formulate an opinion about those, let alone any other structural issues.

Senator LEVIN. General Gordon is doing a terrific job, but you cannot oversee yourself. True oversight has got to come, at least some of the best oversight comes, from outside, not inside. There is a role for it inside, but there has got to be an outside hand.

We, during the debate on this new entity, the National Nuclear Security Administration (NNSA), debated whether we were going to hold responsible ultimately the Secretary of Energy for the operation of that entity, and the answer was yes, we need the Secretary to be accountable for all parts of the Department. So I would urge you to take a very careful look before you change that structure so that you continue to have directly reporting to you an oversight operation that is not directly inside the entity being overseen.

I know you have not made a decision on that, but I want to let you know. That was—not necessarily just that office, but the question of the ultimate responsibility to the Secretary, we wanted to retain that responsibility, correct?

Secretary ABRAHAM. I remember that debate. I obviously was not part of the formulation of the NNSA, but as I evaluated the legislation I remember that being one of the central issues of concern to a lot of us. I took this job recognizing that I was ultimately responsible and expect to be held so.

Senator LEVIN. You need the tools to exercise that responsibility.

You have a statutory role in the nuclear posture review process. The force structure decisions are going to have significant impacts on the DOE and on your weapons complex at the DOE. Will you keep a close eye on the process generally, but more specifically will you make sure that there is a realistic relationship between the DOD delivery platforms and the warheads, so that we do not maintain more warheads than the platforms can deliver? Will you keep an eye on that issue?

Secretary ABRAHAM. [Nods affirmatively.]

Senator LEVIN. The DOE is getting ready to begin a multi-year life extension program for several different warhead types and the DOE facilities are not up to the task of the work that has to be performed on these warheads in order to extend their life. Will you support an effort to upgrade some of the facilities that will be used in that life extension program?

Secretary ABRAHAM. As I indicated earlier today here, I have great concerns, although I have not had a chance to visit all the facilities, about the infrastructure capabilities and potential that we have today. So I do support and will be supporting efforts to address that aspect of it.

There are also concerns about our capacity to maintain certain components of the warhead or to produce plutonium pits, for example, and we will be monitoring that aspect of this as well to make sure that, if that is part of the life extension challenge we might

contend with, that we are able to address that part of it, the technical as well as the structural and infrastructural issues.

Senator LEVIN. As to the pit issue being evaluated, you have not reached any conclusion on that yet, is that correct?

Secretary ABRAHAM. That is correct.

Senator LEVIN. There has been a reference by I think Senator Inhofe as to the necessity of energy independence and how important that is to our own national security and the more dependent we are on foreign sources of oil the less secure we are as a Nation for various reasons. In fact, one war recently was fought to a large measure over the security of that oil, petroleum supply.

One of the ways in which we can reduce our dependence on imported energy is if our vehicles use less energy, less gasoline. There is a robust alternative fuel vehicle development program going on in various places and there is a more robust program being proposed that would include hybrid fuel vehicles, fuel cells, and other new technologies which would give us much greater mileage.

Will you support a robust alternative fuel vehicle development program?

Secretary ABRAHAM. Well, Senator, I have supported your legislation with respect to some of these issues when I was a member here and look very favorably at the opportunities that are presented in that widely challenging area. I look forward to working with you in trying to fashion effective programs that the Department of Energy might take the lead on. Obviously, there are some of these that have several agencies that are in competition for or at least who share responsibility. But it is certainly something we have worked on in the past, which I expect to work on in the future with you as well.

Senator LEVIN. Mr. Chairman, I want to put something in the record here. There was a reference by me and then by you and then by Senator Bunning to the Comprehensive Test Ban Treaty. Your reference to the source of the urgency for a debate on that was accurate and I said so when you made that reference.

However, I disagree with Senator Bunning's comment. He said that the administration pushed for the vote on the Comprehensive Test Ban Treaty. I want to put in the record the letter from President Clinton requesting the postponement of consideration of that treaty on the Senate floor and your letter, along with Senator Moynihan and others, to Senator Lott, Majority Leader Lott, making reference to the fact that the Senate leadership—and I am here reading from your letter—"has received a letter from President Clinton requesting that you postpone consideration of the Comprehensive Test Ban Treaty on the Senate floor."

I just do that for the record. I do not want to redebate the whole Comprehensive Test Ban Treaty, even though I would be happy to if anyone else wants to join it. But I do think that it is important that—and I am sorry Senator Bunning is not here, but I will let him know that I did put these materials in the record indicating that the President said that he supports the treaty as being in the interest of national security, however requesting that the consideration be postponed, and you indeed cited that letter in your letter, which very wisely sought that postponement.

But I do not disagree at all with your comment that the pressure for the consideration came from the Democratic side of the aisle earlier in the consideration process.

[The material referred to follows:]

THE WHITE HOUSE,
Washington, October 11, 1999.

DEAR MR. LEADER: Tomorrow, the Senate is scheduled to vote on the Comprehensive Test Ban Treaty. I firmly believe the Treaty is in the national interest. However, I recognize that there are a significant number of Senators who have honest disagreements. I believe that proceeding to a vote under these circumstances would severely harm the national security of the United States, damage our relationship with our allies, and undermine our historic leadership over 40 years, through administrations Republican and Democratic, in reducing the nuclear threat.

Accordingly, I request that you postpone consideration of the Comprehensive Test Ban Treaty on the Senate floor.

Sincerely,

BILL CLINTON

The Hon. Trent Lott,
Majority Leader,
United States Senate,
Washington, DC.

U.S. SENATE,

Washington, DC, October 12, 1999
 Hon. TRENT LOTT
 Majority Leader
 Hon. TOM DASCHLE
 Democratic Leader
 U.S. Senate, Washington, DC.

DEAR MR. LEADERS:

The Senate Leadership has received a letter from President Clinton requesting "that you postpone consideration of the Comprehensive Test Ban Treaty on the Senate Floor." We write in support of putting off final consideration until the next Congress.

Were the Treaty to be voted on today, Senator Warner and Senator Lugar would be opposed. Senator Moynihan and Senator Biden would be in support. But we all agree on seeking a delay. We believe many colleagues are of a like view, irrespective of how they would vote at this point.

We recognize that the Nation's best interests, the Nation's vital business, is and must always be the first concern of the Presidency and the Congress.

But we cannot foresee at this time an international crisis of the magnitude, that would persuade the Senate to revisit a decision made now to put off a final consideration of the Treaty until the 107th Congress.

However, we recognize that throughout history the Senate has had the power, the duty to reconsider prior decisions.

Therefore, if Leadership takes under consideration a joint initiative to implement the President's request--and our request--for a delay, then we commit our support for our Leaders taking this statesmanlike initiative.

REPUBLICANS

Warner, Lugar, Roth, Domenici, Hagel, Gordon Smith, Collins, McCain, Snowe, Sessions, Stevens, Chafee, Brownback, Bennett, Jeffords, Grassley, DeWine, Specter, Hatch, Voinovich, Gorton, Burns, Gregg, Santorum.

DEMOCRATS

Moynihan, Biden, Lieberman, Levin, Feingold, Kohl, Boxer, Cleland, Dodd, Wyden, Rockefeller, Bingaman, Inouye, Baucus, Hollings, Kennedy, Harry Reid, Robb, Jack Reed, Mikulski, Torricelli, Feinstein, Schumer, Breaux, Bob Kerrey, Evan Bayh, John Kerry, Landrieu, Murray, Tim Johnson, Byrd, Lautenberg, Harkin, Durbin, Leahy, Wellstone, Akaka, Edwards.

Chairman WARNER. Actually, Senator, I agree. That will be admitted to the record. But we should also include Senator Biden's insistence that we have a vote, which came—you referred earlier. He was a later chapter.

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October 13, 1999

Mr. President, proponents of the CTBT are fond of pointing out that public opinion is strongly in favor of the treaty. This is not particularly a surprise because, in general, Americans support treaties that have been signed by their President. They assume that the U.S. Government would not participate in a treaty that is not in the nation's interest.

In this regard, I would like to make two points. First, the American public overwhelmingly supports maintenance of a strong U.S. nuclear deterrent. If people are given the facts about the importance of nuclear testing to that deterrent, I believe that their view of the CTBT would change dramatically. Second, the CTBT indeed is not in the nation's interests and it is up to us, as leaders, to explain to the people why. Let me first address Americans' attitudes toward their nuclear deterrent.

In June, 1998, the Public Policy Institute of the University of New Mexico truly non-partisan and professional groups conducted a nationwide poll on public views on security issues. Let me give you a few results of that poll:

Seventy-three percent view it as important or extremely important for the U.S. to maintain nuclear weapons today.

Sixty-six percent view U.S. nuclear weapons as integral to maintaining U.S. status as a world leader.

Seventy percent say that our nuclear weapons are important for preventing other countries from using nuclear weapons against our country.

More than 70 percent say that it is important for the U.S. to remain a military superpower, with 45 percent saying that it is extremely important that we remain so.

Now, we all know that the measure of commitment to a given aim can sometimes best be gauged by willingness to spend money to achieve it. The poll asked, "Should Government increase spending to maintain existing nuclear weapons in reliable condition?" Fifty-seven percent support increased spending and 15 percent support present spending levels.

I will return to the subject of public opinion in a moment, but let me turn briefly to the issue of whether this treaty is in the nation's interest. If there were a test ban, we would not be able to know with certainty whether our nuclear weapons are as safe and reliable as they can be. On the other hand, Russia, China, and others might be able to continue nuclear testing without being detected. This is because the CTBT is simply not verifiable. What do you think the American people would think about that? Well, we have some data to tell us.

The University of New Mexico's poll asked: "If a problem develops with U.S. nuclear weapons, is it important for the United States to be able to conduct nuclear test explosions to fix the problem?" Fifty-four percent of the people said yes. Only 15 percent said no. The rest were undecided.

The poll also asked, "How important do you think it is for the United States

to be able to detect cheating by other countries on arms control treaties such as the comprehensive nuclear test ban? Over 80 percent said that it was important, with 40 percent saying that it is extremely important.

The bottom line here is that the American people want us to retain a strong nuclear deterrent. While they will also support good arms control measures, they expect the American leadership to do whatever is necessary to keep the deterrent strong. Let's not be fooled by simplistic yes-or-no answers to questions about the CTBT. This issue is more complex than that. We must simply give people the facts about this treaty. The CTBT would imperil our security.

I urge a vote against this treaty. I yield back the remainder of my time.

I ask for the yeas and nays. The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Does the Senator from Delaware have any time remaining?

The PRESIDING OFFICER. The Senator from Delaware has 1 minute 6 seconds remaining.

Mr. BIDEN. I do not wish to be the last to speak. I would like to use 1 minute and ask unanimous consent that my friend be allowed to use any additional time he may want to use after that, because it is appropriate he should close.

I want to make a point in the minute I have.

This is about, as the Senator has honestly stated, more than the CTBT Treaty. It is about ending the regime of arms control. That is what this is about. If this fails, I ask you the question: Is there any possibility of amending the ABM Treaty? Is there any possibility of the START II or START III agreements coming into effect with regard to Russia? Is there any possibility of arms control surviving?

I yield back the remainder of my time. And I ask unanimous consent that the Senator from North Carolina be given an appropriate amount of time to respond, if he wishes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, the yeas and nays have been ordered: is that right?

The PRESIDING OFFICER. Yes, they have.

Mr. HELMS. Let's vote.

The PRESIDING OFFICER. The question is on agreeing to the resolution to advise and consent to ratification of Treaty Document No. 105-28, the Comprehensive Nuclear Test-Ban

Treaty. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD (when his name was called). Present.

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 325 Ex.]

YEAS—48

Akaka	Feingold	Lieberman
Baucus	Feinstein	Lincoln
Bayh	Graham	Mikulski
Benn	Harkin	Moynihan
Bingaman	Hollings	Murphy
Boxer	Inouye	Reed
Breaux	Jeffords	Reed
Brown	Johnson	Robb
Chafee	Kennedy	Rockefeller
Cleland	Kerry	Sarbanes
Conrad	Kerry	Schumer
Dashille	Kohl	Smith (OR)
Dodd	Lautenberg	Specter
Dorgan	Lautenberg	Torricelli
Durbin	Leahy	Wellstone
Edwards	Levin	Wyden

NAYS—51

Abraham	Fitzgerald	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Miklowksi
Bennett	Graham	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Roth
Bunning	Gregg	Santorum
Burnett	Hagedorn	Senate
Campbell	Hatch	Shelby
Cochran	Helms	Smith (NH)
Collins	Hutchinson	Snowe
Coverdell	Hutchinson	Stevens
Crapo	Isham	Thomas
DeWine	Kyl	Thompson
Domenici	Lott	Thurmond
Enzi	Lugar	Volneovich
	Mack	Warner

ANSWERED "PRESENT"—1

Byrd

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 51, and one Senator responding "present." Not having received the affirmative votes of two-thirds of the Senators present, the resolution is not agreed to, and the Senate does not advise and consent to the ratification of the treaty.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. ABRAHAM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that the Warner-Moynihan letter to the Majority and Minority leaders dated October 12, 1999, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, October 12, 1999.

Hon. TRENT LOTT

Majority Leader,

Hon. TOM DASCHLE

Democratic Leader,

U.S. Senate, Washington, DC.

DEAR MR. LEADERS: The Senate Leadership has received a letter from President Clinton requesting "that you postpone consideration of the Comprehensive Test Ban Treaty on the Senate Floor." We write in support of putting off final consideration until the next Congress.

Were the Treaty to be voted on today, Senator Warner and Senator Lugar would be opposed.

Senator Moynihan and Senator Biden

October 13, 1999

CONGRESSIONAL RECORD—SENATE

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would be in support. But we all agree on seeking a delay. We believe many colleagues are of a like view, irrespective of how they would vote at this point.

We recognize that the Nation's best interest, the Nation's vital business, is and must always be the first concern of the Presidency and the Congress.

But we cannot foresee at this time an international crisis of the magnitude, that would persuade the Senate to revisit a decision made now to put off a final consideration of the Treaty until the 107th Congress. However, we recognize that throughout history the Senate has had the power, the duty to reconsider prior decisions.

Therefore, if Leadership takes under consideration a joint initiative to implement the President's request—and our request—for a delay, then we commit our support for our Leaders taking this statesmanlike initiative.

REPUBLICANS

Warner, Lugar, Roth, Domenici, Hagel, Gordon, Smith, Collins, McCain, Snowe, Sessions, Stevens, Chafee, Brownback, Bennett, Jeffords, Grassley, Hefline, Specter, Hatch, Volnovich, Gorton, Burns, Gregg, Santorum.

DEMOCRATS

Moynihan, Biden, Lieberman, Levin, Feingold, Kohl, Boxer, Cleland, Dodd, Wyden, Rockefeller, Bingaman, Inouye, Baucus, Hollings, Kennedy, Harry Reid, Robb, Jack Reed.

Mikulski, Torricelli, Feinstein, Schumer, Breaux, Bob Kerrey, Evan Bayh, John Kerry, Landrieu, Murray, Tim Johnson, Byrd, Lautenberg, Harkin, Durbin, Leahy, Wellstone, Akaka, Edwards.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the Senate can and should always act as the conscience of the Nation. Historians may well say that we did not vote on this treaty today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, today the United States Senate fulfilled its constitutional responsibility by voting on the Comprehensive Nuclear-Test-Ban Treaty. Under the Constitution, the President and the Senate are co-equal partners when it comes to treaty-making powers. Positive action by both branches is required before a treaty can become the supreme law of the land. All Americans should know that I and my colleagues take this solemn responsibility with great pride, and we are very diligent in making sure that our advice and consent to treaties is treated with the utmost consideration and seriousness.

The Senate does not often refuse to ratify treaties, as borne out by the historical record. But the fact that the Senate has rejected several significant treaties this century underscores the important "quality control" function that was intended by the Framers of the Constitution. The Founding Fathers never envisioned the Senate would be a rubber stamp for flawed treaties. I and my colleagues would never allow this venerable institution to be perceived as—much less actually become—a mere rubber stamp for agreements negotiated by this or any other President. Instead, the Senate

must dissect and debate every treaty to ensure that it adequately protects and promotes American security interests. The American people expect no less.

As has been pointed out by numerous experts before the Foreign Relations, Armed Services, and Intelligence Committees, and by many Senators in extended floor debate, this treaty does not meet even the minimal standards of previous arms control treaties. That is, it is ineffectual—even dangerous, in my judgment; it is unverifiable; and it is unenforceable. As one of my distinguished colleagues put it: "the CTBT is not of the same caliber as the arms control treaties that have come before the Senate in recent decades."

This treaty is ineffectual because it would not stop other nations from testing or developing nuclear weapons, but it could preclude the United States from taking appropriate steps to ensure the safety and reliability of the U.S. nuclear arsenal. That it is not effectively verifiable is made clear by the intelligence community's inability to state unequivocally the purpose of activities underway for some number of months at the Russian nuclear test site. Just last week, it was clear that they could not assure us that low-level testing was not taking place. The CTBT simply has no teeth.

Had the President consulted with more Senators before making the decision in 1995 to pursue an unverifiable, unlimited-duration, zero-yield ban on testing, he would have known that such a treaty could not be ratified. If he had talked at that time to Senator WARNER, to Senator KYL, to Senator LUGAR, to any number of Senators, and to Senator HELMS, he could have been told that this was not a verifiable treaty and that it was not the safe thing to do for our country.

I know some will ask, so what happens next? The first thing that must be done is to begin a process to strengthen U.S. nuclear deterrence so that no one—whether potential adversary or ally—comes away from these deliberations with doubts about the credibility of the U.S. nuclear arsenal.

To this end, I have written to Secretary of Defense Bill Cohen asking that he initiate a comprehensive review of the state of the U.S. nuclear weapons stockpile, infrastructure, management, personnel, training, delivery systems, and related matters. The review would encompass activities under the purview of the Department of Defense and the new, congressionally mandated National Nuclear Security Administration. The objective of this review would be to identify ways the administration and Congress jointly can strengthen our nuclear deterrent in the coming decades, for example, by providing additional resources to the Stockpile Stewardship Program on which Senator DOMENICI is so diligently working, and that exists at our nuclear weapons labs and production plants. I have offered to work with Sec-

retary Cohen on the establishment and conduct of such a review, and I hope Secretary Cohen will promptly agree to my request.

Second, the Senate should undertake a major survey of the proliferation of weapons of mass destruction and associated means of delivery as we approach the new millennium. A key aspect of this review should be an assessment of whether or to what extent U.S. policies and actions (or inactions) contributed to the heightened proliferation that has occurred over the past 7 years. We know that from North Korea to Iran and Iraq, from China to Russia, and from India to Pakistan, the next President will be forced to confront a strategic landscape that in many ways is far more hostile and dangerous than that which President Clinton inherited in January, 1993. I call upon the relevant committees of jurisdiction in the Senate to properly initiate such a survey and plan to complete action within the next 180 days.

Finally, I am aware that the administration claims that rejection of the CTBT could damage U.S. prestige and signal a blow to our leadership. American leadership is vital in the world today but with leadership comes responsibility. We have a responsibility to ensure that any arms control agreements presented to the Senate for advice and consent are both clearly in America's security interests and effectively verifiable. The Comprehensive Test Ban Treaty failed on both of these crucial tests.

Today, among many other telephone conversations I had, I talked to former Secretary of Defense Dick Cheney, a man for whom I have the highest regard, a man who gave real leadership when he was at the Department of Defense, a man who would never advocate a position not in the best national security interests of the United States or in support of our international reputation. He told me he was convinced the treaty was fatally flawed, that it should be defeated, and in fact it would send a clear message to our treaty negotiators and people around the world that treaties that are not verifiable, that are not properly concluded, will not be ratified by the Senate. We will take our responsibility seriously and we will defeat bad treaties when it is in the best interest of our country, our allies, and most importantly for me, our children and their future.

I think we have taken the right step today. I note that this vote turned out to be a rather significant vote: 51 Senators voted against this treaty. Not even a majority was for this treaty. To confirm a treaty or ratify a treaty takes, of course, a two-thirds vote. 67 votes. They were not here. They were never here. This treaty should not have been pushed for the past 2 years. It was not ready for consideration and it was unverifiable and therefore would not be ratified.

I thank my colleagues on both sides of the aisle for their participation.

Senator LEVIN. It was earlier than the President's letter.

Chairman WARNER. We will get the sequencing, but he very strongly desired that the Senate go to a vote on it.

Senator LEVIN. But signed the letter requesting postponement. I am looking at it.

Chairman WARNER. It may well be. But that was an effort by Senator Moynihan and I. We felt we had to put the interests of so many ahead of it, but for lack of an hour, I think.

Senator LEVIN. It was a good effort and I commended you then, and I commend you now. But I just wanted to clarify the record in terms of the President's position on postponement.

Chairman WARNER. We will leave open the record as such. If Senator Bunning wishes to add additional comments, he will do so.

Now, Senator Dayton, we are about to wrap up, but we recognize you if you desire to ask another question.

Senator DAYTON. I will defer to the wrap-up. Thank you, Senator.

Chairman WARNER. All right. I thank you very much.

Yes.

Senator LEVIN. If I could just add one comment. I very much support the siting of the high-level waste repository and I very much welcome your comments, Senator Dayton and a number of other Senators here, on that issue. I know that you need to follow a process and that is perfectly proper. But that process has taken much too long. Too many States have relied on it. Too many consumers have paid fees aimed at paying for that and those fees sit in a bank account somewhere.

In any event, I welcome your determination not to drag your feet on it, as I believe you mentioned to Senator Bunning if I am correct, and I very much join in that determination that process be followed, science be followed, but let us no longer delay a resolution of it.

Do you know what President Bush's position is on this, by the way? Has he stated a position?

Secretary ABRAHAM. President Bush I think has been very clear in his commitment to move forward expeditiously, but only on the basis of sound science determination and the process that has been set. I think we recognize that probably the easiest way to slow the process is by creating procedural problems by failing to follow what are the clearly delineated criteria and process that has been set out. We are going to do our best—my commitment is to do our very best to try to keep on a timetable that also makes sure that we do not inadvertently open up potential legal or other challenges that will slow it even further.

Senator LEVIN. Thank you.

Chairman WARNER. Before we conclude, colleague, you have always had a tremendous interest in the Comprehensive Test Ban Treaty as I have. I know not what President Bush, in consultation with his Secretaries of State, Defense, and indeed our colleague before us, will determine as to whether or not this matter is revisited. I know that my former boss, a man whom I greatly respect, Melvin Laird, has worked with General Shalikashvili and you are familiar with that report.

But again speaking for myself, I think it is imperative that the committees of the Congress with jurisdiction, and we being one of those committees, would very thoroughly re-examine the ground that we examined in that I think famous series of three hearings before, go back over it again to make sure that the Senate has a full and adequate record and update of the aspects that were covered in those three hearings before.

Senator LEVIN. I agree.

Chairman WARNER. Now, at the moment I certainly have no direction at all from anyone with regard to the treaty and what might be done, and therefore this committee will proceed on its orderly process in the authorization cycle to review testimony that the distinguished Secretary brings before us today and other matters that are somewhat tangential to future consideration of that treaty.

But at such time as the President may or may not indicate procedures on this, I would hope that you and I would go to general quarters and get this committee prepared to go into great depth as to the issues over which we have jurisdiction that bear on a Senate debate on this treaty.

Senator LEVIN. We would welcome that, Mr. Chairman, and very much support it, I supported your calling of those hearings, and would hope also that the Foreign Relations Committee obviously would have those hearings as well. But we should clearly revisit this. I think we had some impacts and ramifications created here when that was rejected beyond the narrow consideration of the technical terms of that treaty. So I would join you in that effort.

Chairman WARNER. Good.

Now, we thank you. We have had an excellent hearing today. It is remarkable how much you have been able to grasp in the relatively short period of time, particularly with your high priority having been devoted to the serious power problem in the western part of our United States. We wish you luck in working with our President to resolve that situation.

Senator LEVIN. I think we rightly give most of the credit to his wife Jane for the strong showings that he has made in a number of areas here.

Secretary ABRAHAM. That is a correct allegation.

Chairman WARNER. With that, I think we will close the hearing. [Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR STROM THURMOND

VISIT TO SAVANNAH RIVER SITE

1. Senator THURMOND. I am fond of referring to the Savannah River Site (SRS) as the "crown jewel" of the weapons facility industrial complex. SRS has been selected as the site to conduct Pit Disassembly and Conversion, Mixed Oxide Fuel Fabrication and Irradiation Services, and, Plutonium Immobilization. It remains an active defense industrial site because of its tritium maintenance function. Also, the ongoing cleanup and waste management operations make this facility the most dynamic and diverse site in the complex.

I recognize that you have much to do in the coming weeks to get your team on board as well as dealing with emergency issues such as the California Energy Crisis. However, will you commit to visiting the Savannah River Site when possible to see first hand the significant activities planned and ongoing at SRS and also the outstanding men and women who are entrusted to perform these vital missions?

Secretary ABRAHAM. As I mentioned during the hearing, our quality people are our most valuable asset. The men and women of the Savannah River Site have a long and distinguished history of serving the national security needs of the United States. I can certainly understand why you consider the Site to be the crown jewel of the weapons complex. I hope to visit all the weapons complex facilities, including those at Savannah River.

ACCELERATOR DEVELOPMENT EFFORT

2. Senator THURMOND. Last year, the Department of Energy established a new Accelerator Development Effort. The new office is lead by the Office of Nuclear En-

ergy, Science and Technology and "Co-Chaired" by the National Nuclear Security Administration's Office of Defense Programs. Mr. Secretary, I have no objections to combining efforts at the Department where appropriate, and it appears that there may be an opportunity for these offices to work cooperatively. However, the Accelerator is, by law, a Defense Program, designed, first and foremost, to serve as a backup source for tritium. As such, I will oppose any effort to remove the Accelerator from Defense Programs, furthermore, while the Senate version of the Fiscal Year 2001 Energy and Water Bill suggested the structure which the Department adopted, the final version made no recommendations on how the office should be established.

What steps will you take to ensure that the Accelerator program remains a Defense Program as specified by law?

Secretary ABRAHAM. The National Nuclear Security Administration's Office of Defense programs (DP) will oversee the completion of the necessary design and engineering development and demonstration (ED&D) activities for the Accelerator Production of Tritium (APT) to be established as a viable backup tritium production technology. DP and the Office of Nuclear Energy, Science and Technology, will jointly manage the new Advanced Accelerator Applications program during a 2-year development period ending in 2002. DP's Director of the APT program will also be the Deputy Director of the Advanced Accelerator Applications (AAA) program. He will be responsible for assuring the timely completion of APT design and ED&D milestones. In addition, DP will ensure that the accelerator developed by the AAA program will be capable, as necessary, of being upgraded to produce tritium for the Nation's nuclear weapons stockpile, based on requirements identified by DP. Should a decision be made forward with the AAA program and build an accelerator after the 2-year development period, the fact that the facility in time could be modified to produce tritium, if required, would establish an acceptable robust backup capability.

SECURING RUSSIAN NUCLEAR WEAPONS AND MATERIALS

3. Senator THURMOND. President Bush has identified securing Russian nuclear weapons and materials as one of the administration's top priorities. While I certainly support these efforts, the GAO criticized the implementation and oversight costs associated with the past efforts. In October of 1999, I recommended that the Department of Energy take advantage of the management expertise at the Savannah River Site, since SRS has been selected to manage the disposal of our own surplus nuclear weapons and materials. Last May, General Gordon of the NNSA indicated that the Department was making some progress based on my proposal.

A. Please comment on the current status of management reform concerning the efforts to secure Russian nuclear materials.

B. Also, where does the Department stand concerning my proposal to use the obvious benefits of associating the expertise of our own efforts to dispose of surplus weapons and materials with those ongoing in Russia?

Secretary ABRAHAM. The Material Protection, Control, and Accounting (MPC&A) program has undergone a number of significant managerial and organizational changes since October 1999. The Department completed the process of standing up a distinct, streamlined organization—the Office of International Materials Control and Emergency Cooperation. A new position of Assistant Deputy Administrator for NNSA was established to improve management and oversight. Moreover, the MPC&A program developed an independent budgeting process in order to sustain a more comprehensive, long-term approach to the threat. Under the National Nuclear Security Administration, the Office has expanded even further to its current configuration of five divisions. This new organizational structure has been augmented by the ongoing conversion of laboratory and contractor functions at Headquarters into Federal career positions. This work puts us in a much better posture than before for managing the various tasks associated with the multifaceted MPC&A mission. More importantly, we are now in a more favorable position to conduct future work, as we complete a comprehensive strategy and planning project—and as we begin focusing on programs designed to better prepare our Russian counterparts to sustain ongoing security upgrades beyond this current decade. The recently-completed 3-year GAO review of the program found that the program has substantially reduced the threat and that it has excellent project and financial controls. GAO also identified two recommendations for improvement with which we agree with and are implementing. One of these includes the development of a strategic plan that will update the program's mission and objectives. While developing a strategic plan, the MPC&A program is looking at all opportunities to include ideas and increase knowledge from many areas, including management expertise at the Savannah River Site (SRS).

In addition, and as you may be aware, the administration has recently completed its review of U.S. Russia nonproliferation programs and is now in the process of consulting with Congress prior to making any decisions on these programs. The Review did result in specific recommendations concerning our on-going programs, as well as some ideas for new initiatives. Following consultation with Congress, the administration will decide which of these recommendations to accept.

The Material Protection, Control, and Accounting (MPC&A) program deals principally with the securing of nuclear weapons and weapons-grade material currently possessed by the Russian Federation—as opposed to addressing the challenge of disposing of excess weapons and fissile material. Nonetheless, we do have some initial efforts focused on the process of down blending Highly Enriched Uranium into Low-Enriched Uranium. In each instance, the MPC&A program relies extensively on the technical and managerial skills of laboratories and nuclear facilities in the United States, such as the Savannah River Site (SRS). Since October 1999, SRS personnel have actively assisted three vital program areas: (a) material consolidation, and conversion,(b) inspections and training, and (c) installation of computerized nuclear material control and accounting systems. SRS personnel have traveled to Russia several times to serve as monitors at facilities where MPC&A efforts have resulted in the consolidation and conversion of nuclear weapons-grade material. SRS personnel also have been involved in developing training courses for GosAtomNadzor (the Russian nuclear regulatory commission) and the Russian Methodological and Training Center. SRS also has provided subject matter experts to accelerate the installation of MPC&A technologies at several nuclear facilities in Russia. There is an ongoing dialogue between representatives from SRS and the MPC&A program in which we continue to look for opportunities to leverage their vast experience in the overall MPC&A program.

PLUTONIUM MANUFACTURING FACILITY

4. Senator THURMOND. Over the past several years a number of significant reports have criticized the Department's lack of planning for a large scale plutonium manufacturing facility. In response to the lack of attention by the previous administration, this committee included \$11 million in the Fiscal Year 2001 Defense Authorization Bill for conceptual design of such a facility. Last may, I asked General Gordon this exact question, and he responded that he would review the Department's current approach.

Where do you stand on this issue?

Secretary ABRAHAM. During fiscal year 2001, the Department is moving forward with planning and preconceptual design work for a Modern Pit Facility (MPF) based on the funding provided by Congress for this work. This work will provide a basis to proceed with the required NEPA activities and initial design phases of a MPF, as necessary. The size and design features for an MPF are dependent on the numbers and types of weapons in the future nuclear stockpile, the forecasted lifetimes of pits, and the technology required to manufacture pits that is being developed at the Los Alamos National Laboratory. The Department is on schedule to reestablish completely this manufacturing technology in fiscal year 2003, and to more accurately predict pit lifetimes in fiscal year 2004. A prudent risk management approach for proceeding with a MPF can then be established. In the interim, the Department will continue to proceed in a measured manner with preconceptual design work for a MPF consistent with available funding. The Department's approach for addressing our pit production needs has been reviewed and is supported by the joint DOD-DOE Nuclear Weapons Council.

SOUTH CAROLINA ADVANCED TECHNOLOGY PARK

5. Senator THURMOND. I know that you are personally reviewing many different matters from the previous administration. One such matter is of great importance to me. Former Secretary Richardson was considering a redirection of funds under the 3161 funding. It is my understanding that your office is now reviewing this proposal.

Since the South Carolina Advanced Technology Park was one of the sites selected to receive these funds, could you please tell me where we currently stand in this process?

Secretary ABRAHAM. The Department is evaluating funding requirements for the program for the balance of this fiscal year. It is my understanding that the Department has already transmitted \$1.5 million for the South Carolina Advance Technology Park to the Savannah River Operations Office for this project. However, pur-

suant to federal statute, no funds can be released for this project prior to approval from the Department of Commerce, Economic Development Administration (EDA). It is my understanding that the Tri-County Alliance of South Carolina is working with EDA to meet the requirements for approval.

PRIORITIES

6. Senator THURMOND. As the Secretary of Energy you have a diversified portfolio including our Nation's nuclear program, ensuring an adequate energy supply to keep our economy growing, disposing of the Nation's nuclear waste and cleaning up the various nuclear sites.

As you set your priorities for the coming years, which of your responsibilities do you consider the highest priority?

Secretary ABRAHAM. During my confirmation hearing I outlined the priorities of this Department. It is a challenging time for this Department and it will require a team effort to overcome these challenges.

Paramount among the four missions of the Department is supporting our national security. More than two-thirds of the Department's funding comes from defense accounts. One of the most sobering and important responsibilities that is vested in the Secretary of Energy is the duty to annually certify to the President that the U.S. nuclear arsenal is safe, secure, and reliable. Nothing is higher on my priority list than the management of our nuclear stockpile.

The Department also plays a critical role in the challenge of nuclear nonproliferation. This Nation has an acute interest in accounting for and preventing the spread of nuclear weapons materials and expertise. To ensure our national laboratories are secure, and NNSA's vital functions are effectively performed, the Department and the NNSA must accord the highly skilled employees at our facilities the dignity and respect they deserve and take measures to promote their development and retention.

The second area where the Department supports the national interest is, of course, in the area of energy policy. The daily electricity crisis in California and high energy prices in many other parts of the United States demonstrate the urgency and importance of developing a national energy policy. President Bush and I are deeply committed to developing an energy policy that promotes domestic production of energy in an environmentally responsible manner, increases our use of renewable energy, decreases our reliance on imported oil, and develops new technologies that can conserve fossil fuels and reduce energy-related pollution.

The third area where the Department supports the national interest is through research in science and technology. During the past 6 years, I worked with many of my former colleagues in the Senate and others on a variety of science and technology programs that I believe can improve our economic competitiveness. I cannot stress enough my desire to continue to move this Nation forward in this area. The science and technology programs at the Department have been widely praised, and justly so.

The laboratories have improved the ability of the Department to perform its national security, environmental management, and energy policy missions. The laboratories are also, of course, supporting the activities and missions of other Federal agencies, but they do much more than that. I think we would all agree they are national treasures. I believe the national laboratories can serve the country, in many other capacities, and I look forward to exploring the full potential for partnerships with industry and with the academic community.

The final area where the Department supports the national interest is in the area of environmental stewardship. As you all know, the Department has the unenviable responsibility for implementing the world's largest cleanup program. In this respect, the Department has an exceptionally, difficult challenge in terms of both cleaning up as well as managing the waste generated during more than 50 years of nuclear weapons production.

These problems were not created overnight, and certainly we are not going to resolve them quickly or easily, but I think we can do a better job of accelerating cleanup and closure of those sites that are surplus to DOE's needs. I pledge to work with Congress and the States to find ways to move the DOE's cleanup program forward.

With respect to the nuclear waste program, I share President Bush's commitment to ensuring that sound science governs the program. I share the frustration of the members of this committee with the lack of progress in this area. My commitment is to make progress on the nuclear waste program while ensuring that sound science governs decisions on-site recommendation.

QUESTIONS SUBMITTED BY SENATOR BOB SMITH

SECURITY ISSUES

7. Senator SMITH. I am gratified that you see security at our Nation's nuclear weapons programs as your highest priority. We have seen our latest technology given to the Chinese and perhaps other competitors of this nation in the past few years. We have heard pointed reports by numerous organizations, both inside DOE and out, of lax security at the DOE laboratories. This committee has even submitted questions for response by DOE concerning practices at several DOE laboratories which I feel were not answered truthfully. I fear these disturbing trends will be difficult to turn around.

How do you intend to assure this committee and the American people that our national security is not at risk in DOE? I see this as your most important mission.

Secretary ABRAHAM. As I have stated, a strong level of security in the Department of Energy is one of my highest priorities. I understand that security at the DOE National laboratories has improved over the last year as a result of focused effort within the DOE to ensure protection of our nation's secrets. While it is impossible to have 100 percent secure facilities, as demonstrated by recent security incidents at a number of non-DOE facilities, the establishment of the NNSA and DOE's current approach to its implementation has clarified the roles and responsibilities for improving security at these facilities, such as placing increasing emphasis on the individual employee's responsibility for security.

The NNSA is leading a number of efforts to ensure continued improvement in security in a cost-effective manner. This includes efforts to conduct a review of security directives to identify more cost-effective ways to meet the level of security needed for the various categories of information and materials in the NNSA and the DOE. The NNSA is developing an Integrated Safeguards and Security Management system that is focused on ensuring the employees understand that they are the key to success in security. The initial focus of this effort is to ensure that employees understand the reasons for the security measures being implemented and have the opportunity to identify improvements. The NNSA is also working closely with the Department of Defense in identifying information that requires a higher level of protection as well as ensuring consistency in the level of threats that the two agencies protect against.

Of course the Department will continue to maintain a comprehensive oversight program to assess, evaluate, and test all aspects of security at our facilities. I believe we are on the right path and will continue to monitor our progress to ensure we provide the highest level of security while maintaining world class science.

8. Senator SMITH. We are spending hundreds of millions of dollars in Russia to build facilities which do not exist in this country, and equivalent protections for the people and the environment are not being put in place despite DOE and federal regulations that require these protections.

Since the management and budget decisions rest with the Secretary, as does the responsibility for effective protection of people, the environment, and the highly classified information at your facilities, how will security and environmental protection issues be reviewed in the DOE to ensure these requirements are fully represented in the President's budget request?

Secretary ABRAHAM. Budget allocation issues associated with security and environmental protection are reviewed and addressed by a hierarchy of organizations within the Department starting with contractor and field elements and culminating with decisions made by the Secretary and the Department's top program and corporate officials. Requirements are identified by information inputs from the field and program offices in the form of budget requests and responses to specific inquiries.

Specifically, for security, the program offices responsible for overseeing site operations (particularly the Offices of Defense Programs, Environmental Management, and Science), and the Office of Security and Emergency Operations have reviewed requirements for budget request prioritization. The Environmental Management program has responsibility for prioritizing environmental protection in activities at their sites across the DOE complex.

FISSILE MATERIALS

9. Senator SMITH. Rocky Flats, Richland, Idaho, and Livermore no longer have production or design missions which require other than very small quantities of nuclear materials.

Why haven't fissile materials been removed from facilities which no longer have missions requiring the use of large quantities of nuclear materials?

Secretary ABRAHAM. Most of the sites you refer to are currently part of the Environmental Management program's cleanup efforts. We have efforts underway to remove fissile materials from facilities which do not have production or design missions. Storage studies completed in the past year identified storage locations for plutonium awaiting disposition. The recommendations of these studies are now being implemented.

A prime example of these efforts is Rocky Flats. The removal of all special nuclear materials from Rocky Flats is a critical path activity within the site's closure project baseline. Significant progress has been made to date, including the offsite shipment of all remaining highly enriched uranium solutions (completed in 1996), shipment of surplus plutonium pits to Pantex (1999), shipment of plutonium scrub alloy to Savannah River Site (2000). Additionally, shipment of classified plutonium metals to Savannah River Site has been completed and shipments of similar materials to Los Alamos National Laboratory will be completed this quarter. The shipment of Rocky Flats' unclassified plutonium metals and oxides to the Savannah River Site is scheduled to begin this spring. For the remaining nuclear material, on site, we are continuing to finalize and implement the disposition plans. The implementation of these plans entails the detailed coordination of needed container certification and transportation activities, as well as preparations at the receiver sites. In addition to offsite shipments, Rocky Flats is consolidating all category I and category II special nuclear material into Building 371. This will allow for the reconfiguration of the protected area around Building 371, thereby reducing safeguards and security costs and allowing for full decontamination and decommissioning activities to proceed in the remaining plutonium facilities.

At Richland, efforts are underway to stabilize and repackaging plutonium materials for shipment to an immobilization facility (currently under design) at the Savannah River Site. Current plans call for all of Richland's materials to be ready for shipment by May 2004.

Similarly at Lawrence Livermore National Laboratory, equipment has been installed for packaging plutonium for shipment to the Savannah River Site. Testing and qualification of the equipment is scheduled to be completed early this spring, with completion of stabilization and packaging of at-risk material by May 2002. It is important to note that Lawrence Livermore National Laboratory has a continuing nuclear materials mission as one of the three weapons laboratories in the Nuclear Weapons Material Stewardship Program.

At Idaho, fissile materials efforts have focused primarily on improving the storage conditions of spent nuclear fuel being prepared for shipment to a national repository. In April 2000, the Department completed removal of all spent nuclear fuel from unfavorable storage conditions in the CPP-603 South Basin. This milestone was completed 8 months ahead of schedule, and is part of an integrated plan to remove all DOE-owned and Navy spent nuclear fuel from Idaho by 2035.

CONSOLIDATION OF NUCLEAR MATERIALS

10-12. Senator SMITH. The United States has recommended the consolidation of nuclear materials in Russia and is in fact building central facilities for safer and more secure storage of these materials as we speak. Why doesn't the same advice apply to our facilities, particularly those which we have determined are no longer needed to support our nuclear deterrent?

One of the best and most cost effective ways to deal with the safety and security problems which have been widely reported at DOE is to remove the source of the problem. I understand a consolidation of nuclear materials into two or three central national security repositories was proposed within DOE almost a decade ago in order to cut costs by almost half and improve both safety and security.

Why haven't we seen this plan?

Why are Russian facilities going up faster than facilities which are necessary to protect our citizens and our environment?

Secretary ABRAHAM. We agree that consolidation of storage facilities would be beneficial and are moving in that direction. The Department examined the storage and disposition of nuclear material in the weapons complex Storage and Disposition of Weapons-Usable Fissile Materials Final Programmatic Environmental Impact Statement issued in December 1996. The Record of Decision issued in January 1997 established a program to provide for the safe and secure storage of plutonium and highly enriched uranium (HEU) and a strategy for the disposition of plutonium de-

clared excess to national security needs in such a manner that it will never again be used for nuclear weapons.

Beginning in 1997, excess plutonium pits stored at the Rocky Flats Environmental Technology Site in Colorado were moved to safe and secure storage at the Pantex Plant in Texas. Excess non-pit plutonium now at Rocky Flats will be moved to the Savannah River Site as soon as the K-Area Materials Storage project (the old K Reactor) is completed and certified shipping containers are available.

That project is funded by the Department's Office of Environmental Management.

Excess plutonium currently stored at the Hanford Site in Washington, the Idaho National Engineering Laboratory and the Los Alamos National Laboratory in New Mexico will remain at those sites until disposition or temporary storage facilities are completed at the Savannah River Site. Existing storage facilities at the Y-12 plant at the Oak Ridge Reservation in Tennessee will be upgraded to store both non-superplus HEU and surplus HEU pending disposition.

Only one major construction project is underway in Russia to safely store fissile material derived from dismantled nuclear weapons at the Mayak Production Association; this project is funded and managed by the Department of Defense. The impetus for this facility was the bottleneck that the Russians identified in the early 1990s in their nuclear weapons dismantlement pipeline, insufficient storage space. In order for dismantlement to continue, the U.S. agreed to help construct one facility that would store this fissile material from former weapons safely and securely. The facility is scheduled to become operational in 2002, although in the past it has experienced some delays.

SECURITY ISSUES AT DOE

13. Senator SMITH. I sent a letter dated March 20, 2000, to then-Secretary Bill Richardson, which he chose not to respond to or act on. The letter outlined several serious security lapses at DOE: access issues at Y-12 Production Facility at Oak Ridge, Tennessee; a vulnerability at TA-18 at the Los Alamos National Laboratory; and concerns about the movement of nuclear weapons and special nuclear materials across our highways.

Will you review those specific issues I raised in my letter and respond directly to me?

Secretary ABRAHAM. Yes, I have looked into the issues you raised in your letter and the following information summarizes my understanding of each issue. With respect to the Y-12 Plant at Oak Ridge, you raised the issue of what has been done to deter potential security threats from vehicles entering the facility. Actions have been taken by the Y-12 Plant at Oak Ridge that have substantially mitigated any concerns regarding the adequacy of vehicle searches. The number of vehicles which may now enter the protected area of the Y-12 Plant on a daily basis was reduced by approximately 90 percent. Each vehicle that enters the protected area receives a detailed search for weapons and explosives. All trucks entering are also searched by explosive-detecting dogs.

Regarding TA-18, you were concerned with its security due to its proximity to a public road. In April, 2000, then-Secretary Richardson announced that due to the high operational security costs of TA-18, it will be relocated to either another LANL site, Sandia National Laboratories, Argonne National Laboratory-West, or the Nevada Test Site. A draft Environmental Impact Statement is expected in May of this year, and the necessary planning and preparation to implement the decision is underway.

Addressing your concerns regarding our Transportation Safeguards Division (TSD), the TSD has implemented a 5-year plan to enhance its ability to respond to security threats. Over this time there will be a 40 percent increase in the number of Federal Agent Couriers. The older Safe Secure Transport fleet is being replaced with new-generation Safeguards Transporters and new-generation escort vehicles. New weapons have been purchased for agents, and training in tactical decision planning has been implemented. A January 2001 "force-on-force" exercise confirmed that these actions are effective in enhancing the rigor of TSD protective measures. Although there has been no recent testing by the DOD on these issues DOE's Office of Independent Oversight and Performance Assurance and NNSA/HQ's annual security assessment is currently underway. The Safeguards/Physical Security Division at the Albuquerque Operations Office, is expected to conduct its annual security assessments of TSD in June of this year.

14. Senator SMITH. I have developed a reputation in Congress for helping whistleblowers who have suffered horrible reprisals for their efforts to flag abuses of in gov-

ernment, misuse of funds, and the like. I continue to have government and military employees knocking on my door for help today. The cases described to me have been awful. This is a big government with a lot of good people working in it, but there are also a few bad ones in my mind. The good people who come to me for help have suffered massive legal bills in their own defense, and the stress of their situations has often taken a tragic toll on the individuals and their families. I spoke to your predecessor, Secretary Richardson, about several such cases in DOE last summer, the cases of Joe Carson, Notra Trulock, Jim Ware, and Larry Ogletree. Many on this Committee are familiar with my similar concerns regarding retaliation against the KE-ASAT program staff.

President Bush stood up on his first day on the job 2 weeks ago and spoke of his expectations for standards of conduct and ethics in his administration.

I am sorry if you already answered this in your confirmation hearing, but will you commit to this Committee and to me that your Department will have a zero tolerance for reprisal against whistleblowers, as did your three immediate predecessors?

Secretary ABRAHAM. The Department will not tolerate reprisals against employees who in good faith call attention to environmental problems, health or safety concerns, or management inefficiencies. They perform a valuable service, and should not be penalized for voicing their concerns. While management has a right and an obligation to take appropriate personnel actions, retaliating against an employee simply because he has been a "whistleblower" is never appropriate.

15. Senator SMITH. You may be aware of a Superfund site in New Mexico at which Natural Resource Damage (NRD) claims have been brought totaling nearly 1/2 a billion dollars. One major liable party at this site is DOE.

Has DOE inventoried its potential NRD liability at sites throughout the complex? If not, can you make that a priority?

We intend to address NRD reform in the Environment and Public Works Committee this year, and that information would be very helpful.

Secretary ABRAHAM. At this time, it is difficult to predict the natural resource damage liability at our sites. Factors that could influence natural resource damage liability include the degree to which the natural resources have been injured and the degree to which the concerns of the natural resource trustees can be satisfied in the remedy selection process. Response action remedies have not yet been selected at many locations and, therefore, the residual effects that may remain after cleanup are not known. No formal natural resource damage assessments have been done at any Department sites. The Department considers any estimate of its natural resource damage liability to be extremely speculative and not adequate for developing current budget estimates. The Department will continue to monitor the natural resource damage potential at its sites.

The Department's policy, as both the primary natural resource trustee and lead response agency for cleanup at its facilities, is to work with the Federal, State and Tribal trustees early in the cleanup process and address their concerns, to the extent possible, during remedy selection to limit or eliminate the potential for significant natural resource damage liability. The Department has initiated other efforts that are intended to minimize the potential for natural resource damage claims, such as creating site-specific advisory boards at its facilities, ensuring participation of interested parties in the remedial action planning process, and forming natural resource trustee councils at facilities where there is sufficient interest.

QUESTIONS SUBMITTED BY SENATOR RICK SANTORUM

MPC&A PROGRAM

16. Senator SANTORUM. In 2000, the U.S. General Accounting Office (GAO) reviewed the Department of Energy's Material Protection, Control, and Accounting (MPC&A) program. GAO noted that only 7 percent of the 650 metric tons of material that had been identified as being at risk for theft or diversion, are stored in buildings with installed security systems.

Of the 50 metric tons of nuclear material presently contained under this program, how many tons are from civilian or Russian navy sites and how many are from the Russian nuclear weapons complex?

Secretary ABRAHAM. Since the previous GAO report, estimates of the total scope of the problem have increased significantly. We currently assess that approximately 95 sites in the Russian Federation—containing approximately 850 metric tons of weapons-useable material or material in nuclear weapons require security upgrades. Of that 850 metric tons, approximately 4 percent are located at civilian sites, ap-

proximately 33 percent are located at navy sites, and approximately 63 percent are located at sites which fall under the purview of the MinAtom nuclear weapons complex. The most recent GAO report, "Security of Russia's Nuclear Material Improving: Further Enhancements Needed," concludes that the program has improved the security for 192 MTs of proliferation attractive material, representing 32 percent of the material at risk. This is significant threat reduction. In addition, threat reduction activity is underway for an additional several hundred metric tons of material.

17. Senator SANTORUM. GAO states that most of the buildings and facilities that have received security systems under the MPC&A program are located at civilian nuclear research sites. Furthermore, it is estimated that these sites comprise only 5 percent of the total nuclear material in buildings that require security systems.

Can you explain why the efforts to secure nuclear material at Russia's nuclear weapons complex have lagged behind progress made in the civilian area?

Secretary ABRAHAM. Progress in Material Protection, Control, and Accounting (MPC&A) work at facilities controlled by the MinAtom nuclear weapons complex has lagged behind that in the civilian area because the Russians have been reluctant to grant us access to some of their most sensitive facilities. Access is an essential prerequisite in order to ensure that U.S. funds are used for their intended purposes. MPC&A guidelines require that appropriate access and assurances be defined, approved, and contractually agreed to, prior to contract signing for all MPC&A upgrades. MPC&A will not pay for work until access/assurances have been granted. We continue to work this issue with our counterparts in MinAtom, and we have made recent progress gaining access to key weapons facilities: Chelyabinsk-70, Arzamas-16, Tomsk and Mayak. We also have reached agreement with MinAtom on a comprehensive access approach which will address both the Russian concern about protecting state secrets and our requirement to gain appropriate access and assurances in order to ensure that MPC&A work is properly performed.

Once this access agreement is in place, the pace of our progress in providing security upgrades to sites within the MinAtom nuclear weapons complex should pick up significantly.

QUESTIONS SUBMITTED BY SENATOR WAYNE ALLARD

SAFEGUARDS AND SECURITY FUNDING AT ENVIRONMENTAL MANAGEMENT CLOSURE SITES

18. Senator ALLARD. Mr. Secretary, an issue that I have been watching very closely over the last year has been the shift of security and safeguard funding from field offices to a centralized office at headquarters. While I support efforts to increase security at DOE, I do not believe that shifting funds and flexibility for guns, guards, and gates from field sites is in the best interest of the Department. Another reason I am concerned about this shift is that a critical assumption underlying Rocky Flats' 2006 closure date is that after the need for security and safeguards is removed, these funds are to be shifted into cleanup funds.

Can you assure me that DOE will continue to fund closure projects as in the past (prior to any shift), allowing closure sites to control their own spending and to re-allocate these savings into accelerated cleanup activities?

Secretary ABRAHAM. Yes. Closing sites like Rocky Flats remains a priority for the Environmental Management program. The fiscal year 2001 Energy and Water Appropriations Act clearly provided that any excess safety and security dollars can be used to do more cleanup at closure sites. I support the closure goal for these sites and will ensure that any savings that result from reducing security needs at closing sites go back into cleanup at the sites.

FIVE-YEAR BUDGET PLAN

19. Senator ALLARD. Over the last few years, Congress has required DOE to provide a 5-year budget estimate at the same level of detail as the President's annual budget submittal. DOE has failed to fully comply with the law.

Do you agree that the Department needs to provide a 5-year budget plan in order to provide a budgetary plan to the Secretary and the Congress? Can you assure me that you will provide this 5-year plan?

Secretary ABRAHAM. I agree that 5-year budget planning and programming is essential for responsible and credible budget development. The Administrator of the National Nuclear Security Administration is required to submit a future-years nuclear security program by section 3253 of the National Defense Authorization Act

for fiscal year 2000. The Administrator has committed to meet this requirement with the fiscal year 2002 Congressional Budget Request.

PIT AND TRITIUM PRODUCTION

20. Senator ALLARD. Could you give me your views on DOE's capacities to replace plutonium pits and tritium and what plans you see for improving the future prospects of moving forward for these critical requirements?

Secretary ABRAHAM. To meet the critical requirement to replace plutonium pits, the Department is reestablishing the technology to fabricate some 10 to 15 pits per year at the Los Alamos National Laboratory and is on schedule to complete the first certifiable W88 pit in fiscal year 2003. In fiscal year 2004, new information from pit-aging studies is expected to provide further insight into pit lifetimes which when coupled with more precise requirements for the numbers and types of weapons in the stockpile will enable planning for a Modern Pit Facility to meet future pit manufacturing requirements, as required.

Since 1996, the Department has had a project in place that will establish a new tritium production capability using commercial light water nuclear reactors operated by the Tennessee Valley Authority (TVA). The project is on schedule and within its budget. The new tritium-production system will be capable of delivering new tritium to the nuclear weapons stockpile as early as 2006.

In late March, the TVA will submit requests to the Nuclear Regulatory Commission (NRC) requesting that the operating licenses of its Watts Bar, Sequoyah Unit 1, and Sequoyah Unit 2 reactors be amended to permit irradiation of tritium-producing rods in the reactors. The NRC has promised the Department that it will expeditiously review the amended license requests although approval is not required until the fourth quarter of 2003 to begin irradiation of tritium rods so that new tritium is available in fiscal year 2006.

PRODUCTION FACILITIES

21. Senator ALLARD. We have seen a dramatic decline at our four weapons production plants, both in personnel and infrastructure. It is imperative that there is a modernization effort for the plants infrastructure. These deficiencies are not only hurting our national security, but also the safety and health of the dedicated work-force.

Can you comment on this situation and let me know if you are planning to use your 5 year budget to fund these critical shortfalls?

Secretary ABRAHAM. There seems to be general agreement that there are serious problems with the facilities infrastructure of our nuclear weapons complex, including the production plants. The nuclear weapons complex is old, facilities are deteriorating at an accelerating rate, and preventive maintenance and recapitalization have been underfunded for a long time. These problems, set forth in the Defense Programs Facilities and Infrastructure Assessment, Phase I, Report 2000, have been well documented in a number of independent studies over the last decade and most recently in the fiscal year 2000 Report to Congress of the Panel to Assess the Reliability, Safety, and Security of the United States Nuclear Stockpile. The National Nuclear Security Administration is putting management systems in place to assure that infrastructure problems are identified early and that adequate funds are allocated to address the problems. Past management practices in this regard were inadequate for prioritizing projects and identifying how much money (if any) was being used to fix the problems. We are also working to incorporate into the fiscal year 2000 and future-years programming the necessary funding sufficient to begin to reverse this situation for the important stockpile work ahead.

MAINTAINING CRITICAL SKILLS AND EXPERTISE

22. Senator ALLARD. Both at the national labs and at the production facilities, there is a great risk of losing critical scientific, manufacturing, and machining skills and expertise. The average age of DOE's workforce is close to retirement age, with some operations having only one engineer or one machinist deep in some critical skill areas.

I know you may not be able to get into great detail, but could you give use some thoughts on this problem?

Secretary ABRAHAM. While many critical skills in the weapons complex are at risk, the NNSA believes the situation is manageable with the application of a national commitment to our mission, as well as continued management attention and

resources. Last year, NNSA and DOD provided a joint report regarding nuclear expertise retention measures as required by section 3163 of the National Defense Authorization Act for fiscal year 2000. The report describes current and projected critical skills mix and the plans for maintaining essential nuclear weapons expertise at each of our nuclear weapons sites. NNSA will closely monitor the implementation of these plans which were called for by the Congressionally chartered Commission on Maintenance of Nuclear Weapons Expertise in its 1999 report. The new management and operating contracts for the Pantex, Y-12, and Kansas City Plants as well as those with the University of California for the Los Alamos and Lawrence Livermore National Laboratories have provisions that are designed to improve recruitment and retention and focus management attention directly on this critical people issue.

ROLE OF INNOVATIVE TECHNOLOGIES IN LOWERING COSTS

23. Senator ALLARD. As I mentioned in my opening statement, DOE's environmental technology development programs were at an 8-year low and the only science and technology program in DOE's budget to decrease in last year's budget

Can you comment on the importance of these innovative technologies and provide us a commitment to funding these programs at a proper level?

Secretary ABRAHAM. I agree that sound science and innovative technology are critical if we are to solve the complex technical problems we face in cleaning up the DOE complex. DOE's research and development projects are beginning to bring results by producing solutions to problems that were previously intractable or by deploying new more effective or safer technologies. For example, at Oak Ridge, using a combination of new robotics and retrieval techniques, we successfully removed the radioactive wastes from radioactive waste tanks and are now preparing those tanks for closure. Not only did it get the job done, it reduced worker exposure, it minimized the amount of waste created, and accelerated the schedule.

We are still in the process of developing the President's fiscal year 2002 budget request. I will keep your concerns in mind as we develop the final budget allocation for the Environmental Management program.

QUESTIONS SUBMITTED BY SENATOR TIM HUTCHINSON

CHANGING THE SECURITY CULTURE AND THE LABS

24. Senator HUTCHINSON. Mr. Secretary, despite the horrendous security lapses that occurred at the nuclear labs over the past 8 years, I have been careful not to level broad criticism at the employees of Los Alamos, Livermore, or Sandia. After all, our national security is ultimately dependent upon the work of the world-class scientists who work there.

But that is not to say that changes in the way the labs operate are not needed. It's been less than 2 years since our friend and former colleague, Senator Rudman, reported to the Congress on the findings of his examination of security at the labs. According to Senator Rudman, at the root of this problem lay a "culture" resistant to the burdens required of adequate security.

Changing the culture at the lab would seem to me to be a particularly difficult challenge. It's not simply a matter of adding locks or air-gapping computers. You must encourage a revolutionary way of thinking among people who are used to the old-way of doing things, but in a way that does not stifle the lab's unique, creative environment.

How are you planning to address this challenge?

Secretary ABRAHAM. As you indicated in your question, changing the culture at our laboratories is a difficult, yet important challenge, and I have begun to take some steps to address this matter. General Gordon and I have had discussions on this issue, and I intend to discuss it more fully with each of our laboratory directors, as well. One idea that has surfaced is the creation of an "integrated security management program," similar to our Integrated Safety Management Program, which I understand has been very successful in changing safety awareness. My understanding is that such a program would approach security within the context of the way our scientists and engineers go about their daily work activities. In other words, concern for security becomes intrinsic to the job, much like safety, which is now a reflexive consideration for our scientists and engineers. I believe that this approach could result in the necessary changes without damaging the spirit of innovation and hard work at the labs. These changes must filter down from the top, so therefore it is important that they be made a part of management's job as well. I

believe we have made progress in that direction with the new contracts with the University of California, which contain a number of security-directed initiatives. Finally, I believe that providing our laboratories with a modern cyber-security infrastructure, will enable a swifter evolution to a culture in which security is considered not a hindrance, but second nature.

STOCKPILE STEWARDSHIP COST OVERRUNS/SCHEDULE SLIPS

25. Senator HUTCHINSON. Mr. Secretary, I firmly believe that the rigorous debate that preceded Senate's overwhelming rejection of the Comprehensive Test Ban Treaty (CTBT) was worthwhile, as it focused the Senate's attention on a number of problems affecting the Department's Stockpile Stewardship Program (SSP).

While the Senate has long since turned its attention to other matters, a number of those problems dogging the Stockpile Stewardship Program linger.

Would you please describe any SSP-related cost overruns or schedule slips that you are aware of, and what corrective actions you feel are needed to put those programs back on track?

Secretary ABRAHAM. The cost overrun and schedule slip in the Stockpile Stewardship Program which first comes to my mind is in connection with the construction of the National Ignition Facility (NIF) at the Lawrence Livermore National Laboratory. However, I believe the corrective actions to put NIF back on track are well under way. A new cost and schedule baseline was submitted to Congress last year and a number of specific actions have been taken to strengthen management of the project at all levels. The Department has detailed its actions in a series of congressionally mandated reports and independent assessments. The National Nuclear Security Administration is currently preparing a report to Congress validating the path forward and certifying that current project milestones have been met on schedule and on cost.

Other major challenges that remain include the reestablishment of a pit manufacturing capability and the refurbishment of the W87. The initial plan in 1998 for establishing a pit manufacturing capability at the Los Alamos National Laboratory estimated the cost to manufacture and certify replacement pits for the W88 warhead at \$1.1 billion with the first certified pit to be delivered in fiscal year 2004. The current planning estimate is \$1.75 billion with delivery in fiscal year 2009. The NNSA is working to bring the 2009 date to 2007 through the peer review process and project management assessments. The reasons for the changes in cost and schedule mostly involve the challenging technological problems and unknowns of reestablishing a capability which has not existed since 1988 at Rocky Flats. We have taken steps to improve project management across the board, in DOE and at LANL to forcibly attack this challenge. The Los Alamos National Laboratory has established a detailed plan under a new project manager and the National Nuclear Security Administration has established a single headquarters Pit Project Office to oversee and track project execution.

Although the W87 Life Extension Program delivered the first refurbished warhead on time to the Air Force in November 1999, the rate of refurbishment since that time has been less than expected. Reprocessing problems and safety concerns at the Pantex Plant as well as problems with some of the rebuilt components have caused delays. Delivery has been improved. I understand, but only with the addition of significant overtime and heroic dedication of our laboratory and production personnel. The lessons learned with the W87 refurbishment are of particular importance to us as the refurbishment of the B61-7/11, W76 and W80 are in the design and engineering development phases anticipating large increases in work throughout the aged complex.

I will be closely following the progress of these programs as well as any other major programs which could suffer significant delays or cost overruns. I will keep the Congress fully informed of any potential problems and the Department's efforts to get them back on track. Smaller programs or projects within the Stockpile Stewardship Program which are behind schedule and/or over cost are reported to Congress as a part of the normal budget justification, further enhanced by a revised project management oversight process.

QUESTIONS SUBMITTED BY SENATOR JEFF SESSIONS

UNIVERSITY OF CALIFORNIA CONTRACT

26. Senator SESSIONS. What is the current status of the National Laboratory contracts with the University of California? What type of additional security measures have been taken to prevent the lapses that occurred last year?

Secretary ABRAHAM. The Department of Energy's contracts with the University of California for the management and operation of the Lawrence Livermore National Laboratory and the Los Alamos National Laboratory were extended in January 2001 for a 3-year period to September 30, 2005. The restructured contracts require the University of California to implement management improvements and enhance performance and oversight in the areas of accountability, safety, security, project management and critical skills. The safeguards and security improvement initiative includes hiring outside experts to strengthen oversight: implementing a management system that makes security an integral and visible part of all work planning and execution; and using a detailed assessment and follow-on action planning to bring practices up to required levels. In addition, a new contract provision puts the University's performance fee specifically at risk for security infractions.

27. Senator SESSIONS. Has a 100 percent accounting of all classified material at the University of California managed laboratories been conducted? If not, when can we expect such action to be taken?

Secretary ABRAHAM. There is no Department of Energy requirement for a 100 percent accountability of all classified material. This is consistent with the policy requirements of the National Industrial Security Program policy which applies to all executive departments which protect classified information.

The University of California managed laboratories have completed the accountability requirements set forth in the additional DOE requirement to have accountability of "any compilation of nuclear weapons design and testing information contained within removable computer media that contains nuclear weapons design, use control systems or vulnerability information."

MOX FUEL PROGRAM

28-29. Senator SESSIONS. Will the Department of Energy be taking another look at the mixed oxide fuel issue under your leadership at DOE? How effective could a MOX fuel program be in reducing the amount of weapons grade plutonium in the stockpile?

Secretary ABRAHAM. The primary goal of the National Nuclear Security Administration's plutonium disposition program is to get rid of surplus Russian weapon-grade plutonium. As called for in the U.S.-Russian Plutonium Management and Disposition Agreement, the United States will irradiate 25.5 metric tons as mixed oxide fuel and immobilize 8.5 tons. Russia will irradiate all 34 metric tons as mixed oxide fuel. Despite the U.S. reliance on two disposition technologies, irradiating surplus plutonium as mixed oxide fuel in reactors is key to enabling plutonium disposition to proceed in both countries. In order to reduce program costs and use to a greater extent, existing facilities, the NNSA will initiate a review of the elements supporting the MOX program.

Irradiation of mixed oxide fuel is a proven technology, already used in Europe, and can be expected to be a viable method for disposing of surplus weapon-grade plutonium in both the United States and in Russia.

30. Senator SESSIONS. I would like to extend my support for the nationally important Metalcasting Industry of the Future program. As a result of the Department of Energy—Office of Industrial Technology and industry partnership, research performed at the University of Alabama and the University of Alabama—Birmingham has allowed foundries across the country to save energy, reduce solid waste, and increase competitiveness. The work at UAB with the Lost Foam Casting Consortium has been particularly successful. Coming from a state in the top 10 of metalcasting employment, this is an important program to me. Can you detail the Department of Energy's future plans and support for this great partnership?

Secretary ABRAHAM. The Department of Energy (DOE) will continue to support the Metalcasting Industries of the future program. Through cost-shared, public-private partnerships, this program is developing technologies that provide significant energy savings, minimize solid waste, and improve productivity. Universities, such as the University of Alabama and the University of Alabama-Birmingham, play a key role in developing and facilitating the application of advanced technologies, such

as lost foam casting. Through the continued partnership efforts of this program, the metalcasting industry will be able to: (1) produce lightweight, high-strength castings for automotive and other applications, thereby improving transportation fuel efficiency; (2) produce complex castings that meet increasingly demanding customer specifications and require few-to-no post-casting operations; and (3) expand opportunities for producing castings from the full range of ferrous and nonferrous metals.

QUESTIONS SUBMITTED BY SENATOR CARL LEVIN

UNIVERSITY OF CALIFORNIA CONTRACT

31. Senator LEVIN. The new contract between the University of California and the Department of Energy contains a number of new clauses that should improve the University's management practices. Do you support the recent extension of the University of California contract to operate the Los Alamos National Laboratory and the Lawrence Livermore Laboratory?

Secretary ABRAHAM. I have reviewed the key principles of the extended contracts and I believe the contracts provide much more accountability than in the past. The contracts give NNSA some new tools to ensure that senior University of California management is focused on fixing problems and meeting our challenging goals. Among the basic elements of the new contracts are the creation of a University Vice President for Laboratory Management; the requirement to obtain outside expertise in security and project management; a clause allowing the NNSA Administrator, with approval of the Secretary, to remove the top laboratory managers from work on the contract for performance failure; and performance expectations for operational priorities including more rigorous nuclear facility operations, integrated safeguard and security management, and improved recruitment and retention. If the University fails to meet DOE/NNSA Environmental, Safety, and Health or Safeguard and Security requirements, all or part of their fee may be deducted. In addition, in these and other administrative and technical areas such as project management, performance ratings less than "good" result in fee reductions.

PROJECT MANAGEMENT

32-34. Senator LEVIN. Former Deputy Secretary of Energy Glauthier started a much-needed effort to restore the project management discipline at DOE. Will you continue to support this effort? Will you look into the possibility of the current Office of Engineering and Construction Management (OECM) reporting to you or the Deputy Secretary? Will you also work to provide the project management offices within the various DOE programs the financial resources, training, and corporate commitment to do their jobs?

Secretary ABRAHAM. I am aware that the Department has initiated a number of important steps toward restoring its project management discipline. I intend to continue to give this effort my full support. I have seen the recent National Research Council (NRC) report that is supportive of the Department's initial steps. In fact, in order to become more familiar with this important issue, I have invited the chair of NRC's committee on improving DOE's project management, Dr. Kenneth Reinschmidt, to meet with me to discuss his report in detail. I am most interested to learn more about their thoughts on how best to go about improving this important DOE responsibility. Even before I meet with Dr. Reinschmidt, however, I can assure you that I do intend to maintain the Department's support of this important effort, in line with the concerns that continue to be expressed by Congress. Like you, I am concerned that OECM should have unquestioned access to the Principal Secretarial Offices with which they deal and have the clout required to get their job done. I understand that under the previous administration the OECM, while part of the CFO's office, also reported directly to the Deputy Secretary on certain issues. Once my staff is fully in place and the selection and confirmation process has been completed, the new Deputy Secretary will be fully involved in resolution of this issue. I must first conduct a review of the roles, responsibilities and authorities of my corporate offices. That said, rest assured that I intend to ensure strong corporate commitment to the project management initiative, with Department-wide leadership by OECM.

PRICE-ANDERSON ACT INDEMNIFICATION AUTHORITY

35-37. Senator LEVIN. The Department of Energy's Price-Anderson Act authority to provide indemnity protection for nuclear hazards expires on August 1, 2002, un-

less again renewed by Congress. In 1999, the Department submitted a Report to Congress indicating the act should be extended again in substantially its present form. Does the Department continue to support reauthorization of this important Act? Is Price-Anderson Act reauthorization a priority of the Department's legislative agenda for 2001? The current indemnification authority under Price Anderson expires in 2002. Should this authority be extended this year or can it wait until next year? What are the consequences of waiting until next year?

Secretary ABRAHAM. The Department supports reauthorization of the Price-Anderson Act because indemnification of DOE contractors is essential to the achievement of DOE's statutory missions in the areas of national security, energy policy, science and technology, and environmental management.

Reauthorization of the Price-Anderson Act should be a priority for Congress this year in order to eliminate any potential for the type of interruption in coverage that occurred with the last reauthorization in 1988. Delaying renewal until next year could have the consequence of introducing uncertainties into DOE's procurement negotiations with its contractors before indemnification expires on August 1, 2002—only 17 months away. If the act is not renewed before the August 1, 2002 deadline, a gap in indemnification coverage would occur in new and extended contracts. A gap could delay the execution of contracts and the consequent performance of work and transportation of materials. DOE and its contractors would need to seek other methods of insurance coverage and indemnification during the period of any gap. DOE has determined that there are no satisfactory alternatives to Price-Anderson Act indemnification.

As described in DOE's 1999 Report to Congress, in a few cases, DOE has used statutory authority under Public Law 85-804 or under § 162 of the Atomic Energy Act to indemnify certain DOE activities that involve the risk of a nuclear incident. These alternative statutory indemnities, however, are cumbersome to administer; do not guarantee omnibus coverage of subcontractors, suppliers and other persons; and lack the procedural mechanisms that ensure prompt and equitable compensation for the public. Moreover, private insurance is expensive and most likely is not available for many DOE activities.

In general, DOE continues to support the recommendations and analysis in DOE's 1999 Report to Congress on the Price-Anderson Act. However, with respect to Recommendation four concerning the continued exemption of nonprofit contractors from civil penalties for nuclear safety violations, consideration might be given to the approach used for violations of safeguards and security regulations. Section 3147 of the National Defense Authorization Act for Fiscal Year 2000 adopted a provision allowing the imposition of civil penalties on nonprofit contractors for safeguards and security violations up to the total amount of fees paid by DOE to that entity in a fiscal year.

I look forward to working closely with members of both parties and with individuals from inside and outside government to secure the early renewal of the Price-Anderson Act.

21ST CENTURY TRUCK INITIATIVE

38. Senator LEVIN. As you may know, the Army initiated the 21st Century Truck Initiative in 1997 as a means to improve medium and heavy truck technology to benefit the military and the civilian truck industry. This is particularly important to the Army since it owns the government's largest fleet of trucks, with over 250,000 vehicles in its fleet, and since advanced truck technologies are critical to the Army's transformation strategy that is intended to protect the nation's security well into the 21st century.

The 21st Century Truck Initiative involves several agencies, including the Department of Energy, the Department of Defense, the Department of Transportation and the Environmental Protection Agency.

How will you ensure the achievement of the original intent of this program, namely that it should meet both military and civilian needs, and that the Department of Defense continues to play a leading role in the management of the program in order to ensure its success?

Secretary ABRAHAM. I would like to express the Department of Energy's appreciation to you for the support provided for research and development programs designed to produce the breakthrough technologies required for more fuel efficient vehicles. This support is important to both the Partnership for a New Generation of Vehicles and the 21st Century Truck Program, which is aimed at developing the technologies needed to produce trucks and buses with higher fuel economy, lower emissions and enhanced safety.

We are pleased about the progress made to date in building the foundation for this new industry/multi-agency truck technology program. The number of industry participants in the partnership has increased from the original 9 to 16 companies. They are: Allison Transmission; BAE SYSTEMS Controls; Caterpillar, Inc.; Cummins, Inc.; DaimlerChrysler; Detroit Diesel Corporation; Eaton Corporation; Freightliner LLC; General Motors Corporation; Honeywell, Inc.; International Truck and Engine Corporation; Mack Trucks, Inc.; NovaBUS Incorporated; Oshkosh Truck Corporation; PACCAR, Inc.; and Volvo of North America. It is my plan to meet personally with the principals of these partner companies within the next 90 days.

This program is guided by a Partnership Coordinating Committee, which includes not only senior officials from the companies, but also executives from our Government partners the Departments of Defense and Transportation, and the Environmental Protection Agency. The Assistant Secretary of the Army for Acquisition, Logistics & Technology serves as the Vice Chair of this committee for the Department of Defense. I will shortly be sending letters to the Secretary of Defense, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency to assure them of my commitment to this important program, and to encourage their continued support.

Over 65 scientists and engineers from industry and Government have completed an extensive technical plan that will guide the development and implementation of the program. We have assured that this plan incorporates not only commercial vehicles, but military vehicles as well. Further, we are relying on the Army's National Automotive Center to continue its work to carefully define the requirements for military vehicles as they apply to the Army transformation initiative.

Together with the Department of Defense, the Department of Transportation and the Environmental Protection Agency, we have created an interagency committee to enhance coordination among the Federal members of this new partnership. The committee is comprised of a senior representative from each of the agencies involved and is an integral part of our Government Program Coordination Office. Mr. Dennis Wend of the National Automotive Center is the Department of Defense's representative.

Further, to assure enhanced cooperation and communication among the Federal partners, we have mutually agreed on the duties and organizational structure of the staff component of the Program Coordination Office. Mr. Thomas Gross, who serves as the Department of Energy's Deputy Assistant Secretary for Transportation Technologies and has extensive experience in partnership activities with the private sector, serves as the Executive Director of this office. The National Automotive Center, as well as the Department of Transportation, has assigned staff members to work within this office, and we anticipate similar action by the Environmental Protection Agency. I have also asked Mr. Gross to convey to the members of this working team my personal commitment to the program, and to request, as appropriate, enhanced participation by the agencies to ensure that we build on the initial successes of this partnership.

The Program Coordination Office has gotten off to a strong start by hosting an extensive review of federally-supported R&D programs which are contributing to the 21st Century Truck goals. This review had the full participation of all of the agencies. We are particularly appreciative of the strong leadership role that the Department of Transportation has taken in organizing this activity. The industry participants have been actively engaged in this two-part review process and have been highly complimentary of the results.

In summary, I believe this important program is going well. The Department of Energy looks forward to working with the Congress to support Department of Defense activities which will be vital for the success of the 21st Century Truck Program, as well as the future responsiveness of our Nation's defense system.

QUESTIONS SUBMITTED BY SENATOR EDWARD M. KENNEDY

IRAQ

39. Senator KENNEDY. How much leverage does Iraq have over the U.S. and the international community with their oil exports, especially due to the current fuel crisis?

Secretary ABRAHAM. Iraq's oil production is subject to United Nations' sanctions. All oil export revenues are deposited into a U.N.-administered account and disbursed by the U.N. for Iraq's purchase of a range of civilian goods. This is known as the oil-for-food program, but Iraq is permitted to purchase more than food and medicine. Some of the revenues collected can be used for repairs and refurbishment

of the oil fields in order to maintain oil production levels. The U.N. Security Council reviews the oil-for-food program every 6 months. There has been a fairly predictable pattern that at the end of each 6-month period when the oil-for-food program is up for renewal, Iraq halts or slows exports from the normal level of about 2.2 million barrels per day (bpd). In December 2000, Iraq ceased exports for about a month. The price of oil, rather than increasing as anticipated, actually declined since the market was perceived to be in balance. Also, other OPEC producers indicated a willingness to increase production, if necessary. Again, in June 2001, Iraq ceased exports for a time. Other OPEC producers indicated that they would increase production, if necessary, to offset the decline. The price of oil did not materially change and no additional production was necessary. Thus, even though Iraqi exports account for about 5 percent of world oil trade, Iraq's erratic exports have not affected the world oil market significantly, due to a variety of factors including sufficient spare capacity in other OPEC and non-OPEC countries to make up any short-fall in production and the belief that Iraq's suspension would be short-lived. It is possible that oil prices would have been lower if Iraqi exports had not ceased. For the U.S., oil imports from Iraq have fluctuated to some degree. For example, Iraqi oil imports averaged 973,000 bpd in May; 740,000 bpd in June; and 697,000 bpd in July.

40. Senator KENNEDY. Are we doing anything to prevent them gaining this leverage?

Secretary ABRAHAM. In recent months, U.S. efforts have been directed to modifying the U.N. oil-for-food regime so as to benefit the Iraqi people, while maintaining the focus on the military items and technologies that must be controlled so that Iraq cannot restore its weapons of mass destruction programs or threaten its neighbors. This approach has been endorsed by the U.K. and is under active discussion with other key members of the U.N. Security Council. During the most recent renewal of the oil-for-food program in June, Iraq objected to imposition of new sanctions regime to replace the existing sanctions mechanism. Iraq stopped its exports in order to gain leverage over the situation. The oil market remained calm during the Iraqi oil stoppage due to sufficient supplies in the marketplace as well as reassuring statements from other OPEC producers that they would make up the differential, if necessary, and a belief among oil traders that the stoppage would be short-lived. Russia blocked the Security Council's approval of a new sanctions regime. The existing oil-for-food program was renewed until November 30. The U.S. will continue to press for changes in the Iraqi sanctions regime.

41. Senator KENNEDY. Over the past several years the Department has supported the Metalcasting Industry of the Future program, and it has been a priority of mine, as well. Some of the energy R&D it sponsors is carried out in Massachusetts at Worcester Polytechnic Institute—a national leader in metalcasting and heat treating research. The DOE-OIT partnership with industry strengthens our nation's manufacturing base and national defense because 10 percent of metalcast products go directly into military applications.

Given the importance of this program, will the new Administration continue to support this program?

Secretary ABRAHAM. First and foremost, it is important to note that continued support for all applied research projects in DOE, including those conducted for the Metalcasting Industries of the Future program, will be subject to review based on new R&D investment criteria, as discussed in the President's Management Agenda. Support for individual projects will continue if proper justification can be provided for: the Federal role in the project; how well the project is planned and managed; and the effectiveness, efficiency, and benefits of the project.

At the present time, the Department of Energy (DOE) plans to support the Metalcasting Industries of the Future program. Through cost-shared, public-private partnerships, this program is developing technologies that provide significant energy savings, minimize solid waste, and improve productivity. Universities, such as the Worcester Polytechnic Institute in Massachusetts, play a key role in developing and facilitating the application of advanced technologies, such as semi-solids processing. Through the continued partnership efforts of this program, the metal casting industry will be able to: 1. produce lightweight, high-strength castings for automotive and other applications, thereby improving transportation fuel efficiency; 2. produce complex castings that meet increasingly demanding customer specifications and require few-to-no post-casting operations; and 3. expand energy efficient opportunities for producing castings from the full range of light weight metals.

The Heat Treating Technology Roadmap was produced in 1997 by the Heat Treating industry in partnership with the Department of Energy. The Center for Heat Treating Excellence (CHTE) was established in 1999 at Worcester Polytechnic Insti-

tute to address research priorities identified in the roadmap. The CHTE, comprised of over 60 corporate members, is applying fundamental research to solve industrial problems and to advance heat treating technology. Through the DOE Office of Industrial Technologies Supporting Industries program, the CHTE has recently been selected for negotiation for two projects addressing improved energy efficiency in the heat treating industry.

COMPLIANCE WITH ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT

42. Senator KENNEDY. Last October, a bipartisan majority in Congress overwhelmingly passed the Energy Employees Occupational Illness Compensation Program Act. The Act compensates civilian workers who contracted specific occupational diseases while involved in the production or testing of America's nuclear arsenal.

Under the act, the Department of Energy has specific responsibilities to produce all relevant information pertaining to worker exposures, including health records for certain workers exposed to radiation.

What will you do to ensure compliance by the Department with this important requirement?

Secretary ABRAHAM. The Department of Labor and the Department of Energy have been assigned separate duties under the Energy Employees Occupational Illness Compensation Program Act. The Department of Energy has several important responsibilities. One of these is to provide records needed to fairly process claims. These come in the form of (1) employment records used to verify a worker's employment at a Department of Energy or atomic weapons facility; and (2) exposure and health records that will help a worker establish whether a beryllium disease or cancer was caused by workplace exposures. The Department of Energy has established the Office of Work Advocacy to manage the Department's responsibilities under the law and it is providing our full cooperation toward that effort. The Office of Worker Advocacy will work closely with staff from the Department of Energy Field Offices and contractors who will be responsible for record searches to ensure that efforts are thorough and coordinated throughout the Department of Energy complex. We will provide the field offices with the financial and personnel support they may need to ensure that the maximum effort is given to this task.

IDENTIFICATION AND NOTIFICATION OF POTENTIAL CLAIMANTS

43. Senator KENNEDY. How will you identify and notify potentially eligible claimants of the availability of compensation under the program?

Secretary ABRAHAM. The Department of Energy is working closely with the Department of Labor to identify and notify claimants who may be eligible for Department of Labor benefits under the act. We have established joint "resource centers" at major Department of Energy sites which will serve as outreach and assistance centers for workers and their families. Centers are located in North Augusta, South Carolina; Espanola, New Mexico; Idaho Falls, Idaho; Las Vegas, Nevada; Oak Ridge, Tennessee; Paducah, Kentucky; Portsmouth, Ohio; Kennewick, Washington; Westminster, Colorado; and Anchorage, Alaska. Offices are fully staffed with experienced and trained personnel. In addition, we are sending staff to provide temporary assistance in locations not served by a resource center. Moreover, we recently completed more than 30 public meetings across the Nation to inform the public about the program, and have sent several mailings to workers who could potentially benefit from the program. We are also working with and providing assistance to various Department of Energy labor unions as well as the staff of our medical monitoring projects to reach out and identify workers. We recognize the need for continued and ongoing outreach so that as many people as possible are aware of the program.

ISSUANCE OF REGULATION

44. Senator KENNEDY. The Department of Energy has established an Office of Worker Advocacy to assist workers who are not covered by the act to file claims under state workers' compensation programs.

When will the Department issue regulations to govern the operation of this Office?

Secretary ABRAHAM. Under Subtitle D of the Energy Employees Occupational Illness Compensation Program Act, the Department of Energy is responsible for a program to assist contractor workers with state workers' system compensation claims.

The Department is required to submit a claimant's application for potential state workers' compensation to a panel of physicians, if provided for in an agreement with the state, and if the claimant submits reasonable evidence of a DOE contractor employment related illness. Physicians on the panel will review contractor workers' medical records to determine if workplace exposures caused illnesses. Panel members have been selected by the Department of Health and Human Services, and assigned to panels. The Department of Energy has drafted a proposed rule setting out procedures for operation of the physicians panels. The proposed rule was issued for public review and comments through November 8, 2001. The Department is attempting to have the rule in effect as soon as possible. Although the panels are not yet in place, the Department is preparing contractor worker files so that they will be ready for evaluation as soon as the panels are formed.

DIRECTOR POSITION

45. Senator KENNEDY. When will you fill the position of Director of the Office? Secretary ABRAHAM. The Acting Assistant Secretary for Environment, Safety and Health currently serves as the Acting Director of the Office of Worker Advocacy. When a new Assistant Secretary is confirmed, that person will evaluate candidates for the position of Director.

EXPERIENCE OF DIRECTOR

46. Senator KENNEDY. Will you select a person who has experience with occupational illnesses, worker safety and health and workers' compensation claims?

Secretary ABRAHAM. In evaluating candidates, the Department will consider a person's experience, background, and knowledge in the areas of public health, occupational medicine, and workers' compensation issues.

QUESTIONS SUBMITTED BY SENATOR DANIEL K. AKAKA

INFRASTRUCTURE MAINTENANCE

47. Senator AKAKA. General Shalikashvili's recent report to the President on the Comprehensive Test Ban Treaty stressed the importance of having first-class people at the DOE labs and production facilities. He said, "it is important to be sensitive to the impact of security measures on people's work environment and to find creative ways to mitigate any adverse effects."

Work environment includes facilities and work conditions. Failure to provide adequate funding for basic maintenance needs at some DOE facilities has gone on for as much as a decade. *As a result, buildings are literally falling down. Conditions apparently require some workers to wear hard hats to work because parts of the ceiling are falling in.*

It is very difficult to convince people that their work and effort is valued when they are asked to work in such poor working conditions. Realize, too, these same people are being wooed away at great numbers into the private sector.

Will you include infrastructure maintenance in upcoming DOE budget priorities and, if so, how significant a problem is this in your view?

Secretary ABRAHAM. Facility and infrastructure funding is a priority for the National Nuclear Security Administration's Office of Defense Programs now and for the foreseeable future. The facilities and infrastructure problems of the nuclear weapons complex as set forth in the *Defense Programs Facilities and Infrastructure Assessment, Phase I, Report 2000* are significant. These problems have been confirmed by a number of independent assessments, including: Office of the Secretary of Defense Program Analysis and Evaluation Review (1999); Defense Programs Facility Maintenance Study, Phase I and II (1998); Stockpile Stewardship Program 30-Day Review (1999); and most recently, the Fiscal Year 2000 Report to Congress of the Panel to Assess the Reliability, Safety, and Security of the United States Nuclear Stockpile. The instructive points common to all the studies and analyses are that the nuclear weapons complex is old, facility deterioration is accelerating, preventive maintenance and recapitalization have been underfunded for a long time, and that looking ahead, stabilizing the nuclear weapons complex facility and infrastructure condition will be a priority in future budget requests to Congress. Correcting infrastructure problems will help ensure that our work is carried out in a manner that protects the health and safety of our workforce and neighbors. The NNSA is putting management systems in place to assure that infrastructure problems are identified early and that adequate funds are allocated to address the problems. Past

management practices in this regard were inadequate for prioritizing projects and identifying how much money was being used to fix the problems. We are also working to incorporate into the fiscal year 2002 and future-years programming the necessary funding sufficient to begin to reverse this situation for the important stockpile work ahead.

48. Senator AKAKA. Congress established the semi-autonomous National Nuclear Security Administration (NNSA) within DOE in October 1999 for several reasons. One reason was to correct the confused lines of authority and responsibility within DOE's nuclear weapons program. In October 2000, the Deputy Secretary of Energy reorganized the reporting relationships between DOE headquarters and operations offices by eliminating "dual-hatting", or staff serving in both DOE and NNSA positions simultaneously.

The recent GAO report "Improved Management Needed to Implement Stockpile Stewardship Program Effectively" cites that these changes have not fully been implemented. Additionally, agreements covering coordination between the NNSA and other DOE program offices have not been defined or negotiated.

Are these reorganization plans still being implemented under this administration, and if so, do you see these changes being fully implemented soon?

Secretary ABRAHAM. Yes, General Gordon and I have discussed this issue and he will be implementing a headquarters reorganization that addresses many of the issues not yet resolved. The reorganization will focus attention on mission accomplishment and consolidate NNSA program management and support. In addition, the Administrator is working on a plan to address roles and responsibilities issues between headquarters and field elements.

A full implementation plan for the reorganization will be included in the report to Congress required by the Defense Authorization Act for Fiscal Year 2001. This report, due May 1, 2001, will include NNSA's plan for assigning roles and responsibilities to and among the headquarters and field organizational units of the NNSA.

A number of agreements between NNSA and other DOE offices have been executed, including ones covering procurement, counterintelligence, and hearings and appeals functions. Others are in process. Additionally, the Department is reviewing all internal DOE Orders, updating them to reflect the appropriate relationship between NNSA and the rest of DOE.

PIT MANUFACTURING FACILITY

49. Senator AKAKA. In his report on the Comprehensive Test Ban Treaty, General Shalikashvili outlines several areas which require special attention by the Department of Energy to maintain the Stockpile Stewardship Program and manage future risks.

Whether one favors the CTBT or not, the U.S. still needs a Stockpile Stewardship Program. In addition to the personnel and building infrastructure issues, several key decisions will need to be made. These include whether the pit production capabilities at Los Alamos will be adequate for the long-run, or whether a larger facility should be built elsewhere.

Have you had the opportunity to review his concerns and recommendations, and if so, what will your office do to address them?

Secretary ABRAHAM. Some of the recommendations in the Shalikashvili report concerning the Stockpile Stewardship Program, for example, an infrastructure revitalization fund, will require increased funding over the coming years and I will work to tackle this and other warning signs on the fragile nature of our weapons complex. Many of the recommendations in the report are already being carried out by the NNSA.

For example, the NNSA is in the process of establishing a senior level Advisory Committee, consistent with the requirements of the Federal Advisory Committee Act. NNSA is also working on a 5-year budget consistent with section 3253 of the National Defense Authorization Act for Fiscal Year 2000. This past year, the Nuclear Weapons Council reviewed and approved the refurbishment of three weapons types key to the enduring health of the stockpile; and NNSA is well into the detailed planning and programming to deliver on these DOD requirements.

The Nuclear Weapons Council also supports the position that the results of NNSA's pit aging studies are necessary before determining long-term pit production capacity. The outcome of the ongoing Quadrennial Defense Review, initiated by the Secretary of Defense to examine the role of nuclear weapons in U.S. defense policy, will also be an important factor in determining the size of a pit manufacturing facil-

ity. However, NNSA has initiated long-lead work necessary to build a pit facility, if required.

IG REPORT

50. Senator AKAKA. On September 28, 2000, the Inspector General for the Department of Energy issued a report entitled, "Allegations Concerning the Department of Energy's Site Safeguards and Security Planning Process," (DOE/IG-0482). In this report, the IG disclosed significant problems in the SSSP process. The IG found significant problems in the manner in which SSSPs were reviewed and SSSP QA issues were closed. Specifically, there were substantial differences in what was being reported as the actual status of security at Department sites by the SSSP QA function, and what was being reported by the cognizant sites. In the final report, the Director agreed with the conclusions, but did not commit to implementing the recommendations.

Given the importance of properly assessing threats and risks at the Department's nuclear sites, can you describe what specific steps have been taken to address the findings of the IG report?

Secretary ABRAHAM. The Department implemented a multi-step approach to address the findings and recommendations in the IG report. First, the Department reviewed each finding to determine the basis for the issue raised. Second, the department examined the relevant policies, manuals, guides, procedures and program execution to ascertain what modifications were necessary to mitigate the basis for the finding and subsequent recommendation. Third, suggested modifications were evaluated to ensure that the proposals would satisfactorily address the finding and that new programmatic weaknesses would not be introduced by their implementation. Fourth, following evaluation, the appropriate modifications to departmental programs are being implemented.

Specifically, the relevant DOE Order, DOE O 470.1, "Safeguards and Security Program," is being revised to clearly delineate the roles and responsibilities of the relevant parties. The "Format and Content Guide for Site Safeguards and Security Plans" has been revised to incorporate lessons learned and correct identified weaknesses in the SSSP process.

Additionally, the SSSP guide continues to be revised relative to the implementation of the revised Departmental SSSP process at additional DOE and NNSA facilities. The vulnerability assessment processes have been modified to more clearly define and support the assertions made regarding facility safeguards and security protection postures. Revised vulnerability assessment tools are being developed which more easily address emerging threats and provide detailed analysis of current safeguards and security operations and programs. The level of participation by all interested parties in the SSSP and vulnerability assessment processes has increased to ensure accurate and precise depiction of facilities' safeguard and security postures and relative risk levels. The internal SO SSSP procedures are being strengthened to clearly delineate roles and responsibilities through each phase of the SSSP process.

51. Senator AKAKA. During the course of the above inspection, the IG reviewed allegations of a systematic "dumbing" down of the SSSP process. The IG found no evidence supporting this allegation, but stated that "strong management involvement will be needed to assure that the new process achieves its potential." In June 1999, the Secretary assigned this role to the Director, Office of Security and Emergency Operations.

Has this role been re-evaluated in light of the establishment of the National Nuclear Security Administration?

Secretary ABRAHAM. The role of the National Nuclear Security Administration (NNSA) is identified in the Fiscal Year 2000 Defense Authorization Act, which places the responsibility for facilities in the NNSA under the Administrator for the NNSA. As part of the current review of the NNSA organization, the role of NNSA in the SSSP process for their facilities is being defined. These new roles will be identified in upcoming documentation to be issued within the NNSA and the Department. The NNSA, in conjunction with the Office of Security and Emergency Operations (SO), is reviewing the current SSSP process to identify any changes which will improve the process and ensure a consistent cost-effective approach to security for the NNSA facilities.

SECURITY SURVEY RATINGS

52. Senator AKAKA. On May 30, 2000, the Inspector General for the Department of Energy issued a report entitled, "Inspection of Allegations Relating to the Albuquerque Operations Office Security Survey Process and the Security Operations' Self-Assessments at Los Alamos National Laboratory." In the report, the IG found Albuquerque management changed the ratings of annual security surveys of Los Alamos National Laboratory in 1998 and 1999 without providing a documented rationale, and that certain security survey work papers were destroyed contrary to policy. Albuquerque agreed to the findings and recommendations, stated that corrective action will be taken.

Please describe specific steps taken in this area, including policy changes and any evaluations of effectiveness.

Secretary ABRAHAM. In response to the recommendations of the Inspector General (IG), the Albuquerque Operations Office initiated a new, documented process requiring a signed form for recording any changes to ratings determined by the survey team leader, the review board, or in the final report, as well as the rationale for these changes. Security survey guidelines have also been updated to improve record-keeping organization and to clarify the required retention period. Following the Inspector General's report, a Headquarters Team conducted a review of safeguards and security self assessments at the nuclear defense laboratories to determine whether current self assessment programs were fully implemented and represent actual security conditions. One of the conclusions from this review was that survey findings must be well-documented and show whether and how minority opinions are included.

EXPORT LICENSE FOR FOREIGN NATIONAL VISITS

53. Senator AKAKA. On March 23, 2000, the Inspector General for the Department of Energy issued a report entitled, "Inspection of the Department of Energy's Export License Process for Foreign National Visits and Assignments." (DOE/IG-0465). In the report, the IG found that the Department lacked clear guidance from the Commerce Department regarding when a visit or assignment would be deemed an export requiring an export license. The IG further found that a lack of clarity with roles, responsibilities and accountability with DOE personnel. According to the IG, because of weaknesses in this program the Department was not able to report the precise number of foreign nationals visiting the Department's laboratories.

Please describe specific steps taken in this area, in light of the establishment of the National Nuclear Security Administration (NNSA).

Secretary ABRAHAM. Steps taken since March 2000 to improve communication and coordination include the following:

To facilitate timely and effective communications between the DOE complex and Department of Commerce (DOC) staff, as well as to strengthen DOE/NNSA's export control compliance programs, DOC and ODE/NNSA implemented a 1-year program in which selected laboratory employees would spend successive 3-week detail assignments in the Bureau of Export Administration in a newly instituted training program. The program started in January 2001.

In early 2000, NNSA established a network of informal liaisons at many of the laboratories and DOE field offices. This network provides a vehicle for communicating export control and nonproliferation policy guidance. NNSA holds scheduled seminars on nonproliferation policy and export control, and is continually enhancing content to reflect current policy and issues. Hosts of foreign visitors and assignees are encouraged to attend.

As relates to policy, NNSA sent a letter to the DOC on September 15, 2000, which elucidated the NNSA joint understanding on deemed export guidance to the National Laboratories. This was based on the DOE publishing on April 20, 2000, guidance on deemed exports.

With respect to accounting for the presence of foreign nationals visiting the Department's laboratories, the Office of Foreign Visits and Assignments implemented a new Web-based tracking and reporting system for DOE-wide application on July 1, 2000. This system, Foreign Access Central Tracking System (FACTS), receives requests for foreign national access approval, routes requests to all security and subject matter reviewers including counterintelligence and export control assurance,

and documents the accomplishment of reviews and granting of approvals. This system, and the policies and procedures that govern its operations, apply to all DOE and NNSA organizations including naval reactors, national laboratories, and other contractor operated sites and facilities.

[Whereupon, at 11:29 a.m., the committee was adjourned.]

